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## Legislative Assembly of Ontario

Second Session, 38<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 21 June 2006

# Journal des débats (Hansard)

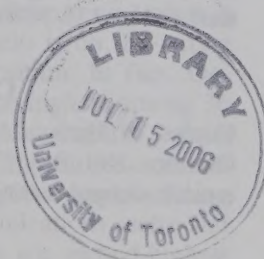
Mercredi 21 juin 2006

Speaker  
Honourable Michael A. Brown

Clerk  
Claude L. DesRosiers

Président  
L'honorable Michael A. Brown

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 21 June 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 21 juin 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' EXPENDITURES

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that I have today laid upon the table the individual members' expenditures for the fiscal year 2005-06.

### MEMBERS' STATEMENTS

#### DRINKING AND DRIVING

**Mr. John O'Toole (Durham):** First, I would like to wish everyone a happy and safe first day of summer, but I also remind people during the summer to drive safely and operate safely on your holidays. With increased traffic and construction under way, there is a great need to keep alert and to stay safe. Of course, if you drink, the rule is, you don't drive.

While individuals drivers must take responsibility to keep Ontario's roads safe, there is also an obligation on the part of this government. I support MADD Canada's campaign for prompt action on reviewing and improving Ontario's impaired-driving laws.

On June 7, MADD Canada expressed its hope that the new Minister of Transportation, Donna Cansfield, would develop policies and legislation to reduce the number of persons killed as a result of drunk driving. Unfortunately, this spring, MADD Canada warned that up to 75% of Ontario's suspended drivers continue to drive on Ontario's roads. MADD warned that the number of legally impaired, fatally injured drivers rose between 2002 and 2003, the last year for which data is available.

MADD Canada is advocating provincial policies such as a zero blood alcohol restriction for all drivers under age 21, more rigorous enforcement of laws on all under-age drinking, and greater authority for police in enforcing the drunk-driving laws.

I urge this House to support this criticism and to support MADD Canada in their demonstrated and real leadership to protect the public interest. Also, to quote from their release, "We have not seen any real action by the Ontario government on the impaired driving files since 1997." We look to have more action. I wish everyone safe and happy motoring this summer.

### O'DOWDA DONATION

**Mr. Khalil Ramal (London-Fanshawe):** I am pleased to tell the House about a very generous donation. The O'Dowda family gave a gift of \$1 million to the cancer facility at London Health Sciences Centre. The donation will be used to develop the Gerald C. Baines Centre for Translational Cancer Research. The centre will bring clinicians and scientists together and increase their ability to do clinical trials to evaluate new therapies.

I was present at the event in which Rob O'Dowda presented the family's gift to the London Health Sciences Centre. The O'Dowda family was inspired to provide the donation by a \$1-million gift from another donor two years earlier. I hope that the generous donation of the O'Dowda family will inspire many more families and individuals to donate whatever they can to a worthy cause such as cancer research and treatment. It's through generous donations such as the large donation from the O'Dowda family, and also the many small donations given each year by thousands of Ontarians, that research into the causes and possible cure for cancer will be found. I want to thank the O'Dowda family for their generous gift that will help make a significant difference in the lives of those living with cancer.

### CORPORATE TAX

**Mr. Ted Chudleigh (Halton):** Ontario's high corporate tax rate is killing investment in Ontario. The C.D. Howe Institute reports that Ontario has the most burdensome business taxes in Canada. Needless to say, when it comes to business investment, Ontario is on the wrong track to improve its competitive position. In fact, Ontario's current corporate tax rate is the highest among 36 industrial countries, at 42.2%. A look at Ontario's place among its fellow provinces in key industries confirms this: Ontario's taxes are the highest in the manufacturing sector, the forestry sector, the communications sector and the aggregate sector. Ontario's taxes are second-highest in construction, transportation and storage and utilities.

The Liberal government's tax structure in Ontario is based against corporate growth and investment. The C.D. Howe Institute reports that all is not lost. The government can alleviate the tax burden on Ontario's businesses if they move more quickly to phase out capital tax, reform the provincial sales tax to avoid taxing business inputs and reduce the corporate tax rate. One does not have to look too far to see the effects of Dalton McGuinty's tax regime. Plant closures and layoffs stain



the landscape in Ontario. You'd be hard-pressed to find one member in this Legislature who hasn't had a layoff or a plant closure notice in his or her riding since the Liberals took power in 2003. Three years into its mandate, I have to wonder when exactly this government plans to put business investment in Ontario back on the right track.

#### PUBLIC TRANSPORTATION

**Mr. Tony C. Wong (Markham):** I rise in the House to spread the good news that the future is bright for Markham residents and commuters because of the McGuinty government's plan to make commuting easier. The good news is that our government is adding 700 parking spaces at GO stations in my riding of Markham and in the nearby communities of Aurora and Bradford to make room for commuters. Slated for completion in December 2006, these parking lot expansions will allow Markham commuters to get out of their cars and on the GO train faster. Another 300 to 400 spaces will be added by spring 2007 on newly purchased property at Unionville station.

Additionally, we are investing \$3.4 billion over five years in our southern Ontario highways program to help move people and goods faster, create jobs and enrich a growing economy. For residents and commuters in Markham, our southern Ontario highways program will mean less time spent in the traffic and more time to spend with family and friends.

Quick, reliable and safe transportation is vital to the economic success and quality of life for families in Markham and across Ontario. Our transit initiatives are helping make these possible.

I'm proud to be part of a government that is investing in our highways and public transit because, in the end, we're investing in Ontario's greatest asset, our people.

1340

#### FÊTE DE LA SAINT-JEAN-BAPTISTE

**M. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Le 24 juin, c'est la fête de la Saint-Jean-Baptiste. C'est une fête universelle pour tous les francophones, mais ici en Ontario, c'est une fête qui symbolise notre grand patrimoine franco-ontarien.

Nous sommes plus de 550 000 francophones en Ontario, la plus nombreuse population francophone hors Québec au Canada. Nous avons même notre propre drapeau. En effet, le 21 juin 2001, mon projet de loi demandant la proclamation du drapeau franco-ontarien comme étant un emblème officiel de la communauté francophone de l'Ontario fut accepté. Ce fut un grand moment pour tous les Franco-Ontariennes et Franco-Ontariens.

Partout en Ontario français en fin de semaine, les francophones se réjouiront lors de la fête de la Saint-Jean, en particulier la communauté d'Embrun, qui fêtera le dimanche 25 juin le 150<sup>e</sup> anniversaire de la paroisse Saint-Jacques. Un grand défilé marquera l'occasion.

La Saint-Jean-Baptiste est une fête de fierté pour nous tous en Ontario car notre héritage francophone enrichit celui de toute la province.

Bonne Saint-Jean, monsieur le Président, et à vous tous, francophones et francophiles.

#### BEACHES INTERNATIONAL JAZZ FESTIVAL

**Mr. Michael Prue (Beaches-East York):** I rise today, as I try to do at least once a year, to talk about the annual Beaches International Jazz Festival. This year is the 18th annual festival, and every year it just seems to get better and better. I ask people to come out and not only discover Toronto's best-kept secret, which is our beach and Queen Street, which, according to TVO, is the number one street in larger cities in all of Ontario, but also to come out and see some of Canada's best jazz performers. It is without a doubt the largest street party that spans over three days in all of Ontario.

From July 21 to 23, there is PartyGras at the Distillery District. From July 24 to 26 is the Toronto Dominion Canada Trust workshop and lecture on jazz. July 26 is the Ovation of Jazz, which takes place at the Balmy Beach canoe club down at the foot of Beech Avenue. It's \$75 for anyone who wants to attend, and tickets are available through Toronto East General Hospital. July 27 to 29 is the StreetFest. There are 40 bands this year, and they will be playing each one of those three nights from 7 to 11 o'clock. July 28 and 29, at Kew Gardens, they play from 12 to 6. The headliner this year on Saturday is Café Cubano, and on Sunday, Hilario Duran.

I give kudos to everyone involved, especially Lido Chillelli, his hundreds of volunteers, the musicians and, most of all, the neighbours who help make it all happen.

#### NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand-Norfolk-Brant):** The land dispute at Caledonia-Six Nations has reached 114 days. The barricades are still up at Dalton Creek Estates. Repeatedly, I've informed this Legislature about the chaos, the mayhem, the violence that has impacted people on all sides. This is a political dispute and a legal dispute, but let's not forget one group of people who have had no say in this: the children.

I'm reading e-mails written by children from area schools. One says, "Maybe if you see it through a kid's eyes, you'll understand more.... I have not been able to go to school." Another reads, "As soon as they hear something bad is going to happen, they freak and send me inside."

Premier McGuinty has repeatedly turned a blind eye and a deaf ear. I ask the Premier, what does he have to say to some of these young people? They made the trip to Toronto today. Some are in the visitors' gallery behind me. Toronto should be a place to visit and have fun for these children.

Children should be concerned with what they're going to do in their summer holidays. They should be talking



about swimming and family vacation. However, in Premier McGuinty's new Ontario, children are worried and scared. I'm sorry and sad to say that this could be the worst summer ever for the children of Caledonia.

### HOSPICE CARE

**Ms. Jennifer F. Mossop (Stoney Creek):** We all have something in common in this room: We all came into this world, and we're all going to go out of it, and there's not a lot of comfort level with the latter. We try to avoid it, prevent it, delay it, deny it, but the fact of the matter is that we're all heading out of this world one way or another. Most of us have a vision of doing so at an advanced age after a fulfilling life, at home with our loved ones with minimal fuss or care, nothing too invasive, a time to let go of the physical, which has all been spent, and focus on the emotional and the spiritual.

That spirit is alive and well in Ontario, thanks to Ontario's end-of-life strategy taking root now: \$115 million for palliative home care and the creation of a network of 30 residential hospices across this province, home-like sanctuaries where people can go when home is no longer practical and hospital is not desirable, a place where the necessary supports and care are there and the family can be relieved to focus on the farewell.

In Grimsby, I attended the dedication ceremony for the west Niagara hospice. After many years of work, Dr. Denise Marshall is seeing her dream become a realization, thanks to all the donors, including the McNally family, who are opening their wallets to help build McNally House.

In Hamilton just last week, over 100 people gathered at the home of Iris Berryman, the retired teacher who donated her property for the new Dr. Bob Kemp Hospice. Dr. Bob and his wife, Mildred, both in their mid-90s, celebrated their 66th wedding anniversary putting a shovel in the ground for the realization of a dream.

Hospice care makes sense. It makes soul sense.

### MUNICIPAL DEVELOPMENT

**Mr. Peter Fonseca (Mississauga East):** Success in our cities: I want to highlight the major accomplishments that have occurred in both my riding of Mississauga East and in Ontario as a whole, due to the key initiatives taken by the McGuinty government.

In terms of investing in our schools, we are providing \$4 billion for construction, repair and renewal, while close to \$100 million is going to schools in the Peel region.

In terms of health care, we have provided \$2.4 billion in new funding for hospitals since we have been elected, as well as focused on decreasing wait times and increasing access to key procedures.

In Mississauga, the government has invested \$43 million for our hospitals, and has also helped Mississaugans get the treatment they need faster.

As part of our record investments in transportation, Mississauga has been given \$65 million for designated bus lanes as well as funding for upgrades to the surrounding highways.

From the results of the last election, it is clear that the Tories were not responsive to the needs of Mississaugans. I have heard nothing but accolades by our Mayor McCallion and city councillors about our government. Obviously, our government has stayed consistent in its pledge to help the development and growth of our cities. I am proud to say that Mississauga has been able to benefit from the steadfast commitment of this government to Ontarians.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON ESTIMATES

**Ms. Andrea Horwath (Hamilton East):** I beg leave to present a report from the standing committee on estimates.

**The Clerk-at-the-Table (Mr. Todd Decker):** Ms. Horwath from the standing committee on estimates presents the committee's report as follows:

Pursuant to standing order 60(a), the following estimates (2006-07) are reported back to the House as they were not previously selected by the committee for consideration:

Office of the Assembly,  
Office of the Auditor General,  
Office of the Chief Election Officer, and  
Ombudsman Ontario.

**The Speaker (Hon. Michael A. Brown):** Pursuant to standing order 60(b), the report of the committee is deemed to be received and the estimates of the offices named therein as not being selected for consideration by the committee are deemed to be concurred in.

### INTRODUCTION OF BILLS

#### MPPs PENSION ACT, 2006 LOI DE 2006 SUR LE RÉGIME DE RETRAITE DES DÉPUTÉS

Mr. Sterling moved first reading of the following bill:

Bill 132, An Act to include members of the Legislative Assembly in the public service pension plan and to make related amendments to other Acts / *Projet de loi 132, Loi visant à faire participer les députés à l'Assemblée législative au Régime de retraite des fonctionnaires et à apporter des modifications connexes à d'autres lois.*

**The Speaker (Hon. Michael A. Brown):** Shall the motion carry?



All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

The motion is carried.

The member may wish to make a brief statement.

1350

**Mr. Norman W. Sterling (Lanark–Carleton):** On the heels of the Integrity Commissioner's report yesterday, I'm introducing a bill that would give members of the Legislature the right to join the public service pension plan under the same terms and conditions as any other public servant in Ontario.

MPPs cannot properly protect their families without access to a pension plan. Many former MPPs have found difficulty in re-establishing themselves after leaving the Legislature, having lost some of their skills while serving here.

This legislation also improves severance payments to bring them into line with employment practices in the private sector.

The Integrity Commissioner pointed out the problem yesterday in his report, when he said it is "in the broader public interest that all members receive reasonable compensation for their work in public life. Absent reasonable compensation, the integrity of the institution to which" members "all belong is compromised by the devaluation of the work they do."

This bill is very, very modest in its scope. In all likelihood it will be ruled out of order because it has some money implications. Only one person can address this issue in this Legislature, and that is the Premier of Ontario. I ask him not to follow the example of his predecessors and to uphold the integrity of this institution by being fair to its members and their families.

## VISITORS

**Mr. Ted Chudleigh (Halton):** On a point of order, Mr. Speaker: I'd like to introduce Mr. and Mrs. Pong, who are the parents of our wonderful page Clarence, who comes from the great town of Milton, Ontario. Welcome to the Legislature.

## MOTIONS

### APPOINTMENT OF AUDITOR GENERAL

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I seek unanimous consent to move a motion without notice concerning the appointment of the Auditor General.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley seeks unanimous consent to move a motion without notice concerning the appointment of the Auditor General. Agreed? Agreed.

**Hon. Mr. Bradley:** I move that an humble address be presented to the Lieutenant Governor in Council as follows:

"To the Lieutenant Governor in Council:

"We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now assembled, request the appointment of Jim McCarter as Auditor General for the province of Ontario, as provided in section 4(1.1) of the Auditor General Act, RSO 1990, c. A35, to hold office under the terms and conditions of the said act."

And, that the address be engrossed and presented to the Lieutenant Governor in Council by the Speaker.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

## HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Wednesday, June 21, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1355 to 1400.*

**The Speaker:** Mr. Bradley has moved government notice of motion number 177.

All those in favour will please rise one at a time and be recognized by the Clerk.

### Ayes

Arthurs, Wayne	Hardeman, Ernie	Peters, Steve
Barrett, Toby	Hoy, Pat	Phillips, Gerry
Bentley, Christopher	Klees, Frank	Qaadri, Shafiq
Berardinetti, Lorenzo	Kular, Kuldip	Racco, Mario G.
Bradley, James J.	Kwinter, Monte	Ramal, Khalil
Broten, Laurel C.	Lalonde, Jean-Marc	Ramsay, David
Brownell, Jim	Martiniuk, Gerry	Runciman, Robert W.
Chambers, Mary Anne V.	Matthews, Deborah	Ruprecht, Tony
Chudleigh, Ted	Mauro, Bill	Sandals, Liz
Colle, Mike	McNeely, Phil	Smith, Monique
Crozier, Bruce	Meilleur, Madeleine	Smitherman, George
Delaney, Bob	Miller, Norm	Sterling, Norman W.
Dombrowsky, Leona	Mitchell, Carol	Tory, John
Duguid, Brad	Mossop, Jennifer F.	Van Bommel, Maria
Duncan, Dwight	Munro, Julia	Wynne, Kathleen O.
Flynn, Kevin Daniel	O'Toole, John	Yakubuski, John
Fonseca, Peter	Oraziotti, David	Zimmer, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

### Nays

Bisson, Gilles	Kormos, Peter	Prue, Michael
Horwath, Andrea	Marchese, Rosario	



**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 51; the nays are 5.

**The Speaker:** I declare the motion carried.

#### PREMIER'S COMMENTS

**The Speaker (Hon. Michael A. Brown):** On Tuesday, June 6, the member for Leeds–Grenville, Mr. Runciman, raised a point of order under standing order 23(g) relating to the sub judice rule. The sub judice rule refers to the practice that the House should not discuss matters that are pending or currently before a court of law for adjudication.

Standing order 23(g) states:

“In debate, a member shall be called to order by the Speaker if he or she:

“Refers to any matter that is the subject of a proceeding

“(i) that is pending in a court or before a judge for judicial determination, or

“(ii) that is before any quasi-judicial body constituted by the House or by or under the authority of an act of the Legislature,

“where it is shown to the satisfaction of the Speaker that further reference would create a real and substantial danger of prejudice to the proceeding.”

In his point of order, the member for Leeds–Grenville asserted that the Premier had offended the sub judice rule while answering a question on the topic of the ongoing land dispute in Caledonia. Specifically, the member stated that the Premier's comments had the potential to prejudice the Ipperwash inquiry currently being conducted by the Honourable Sidney Linden.

The member for Niagara Centre, Mr. Kormos, and the Attorney General, Mr. Bryant, also made contributions on this point of order.

Let me spend a bit of time talking about sub judice. Translated literally from the Latin, sub judice means “under judgment,” and while it is a parliamentary convention, in Ontario it is also a specific rule which entered our standing orders in 1970, and was modified to the current version in 1978. This convention exists as an acknowledgement that it is in the public interest, and in the interest of the administration of justice, broadly interpreted, that the Legislative Assembly will voluntarily refrain from debating or discussing matters before courts of law or largely similar judicial bodies.

The principle of the separation of powers in our system acts to ensure that the legislative, executive and judicial branches of government operate independently. The Legislature should never discuss matters before the courts when doing so could undermine the work of the court, the rights of any individual to due process in a neutral environment, or when unproven allegations may irrevocably damage personal reputations.

As the presiding official in this place, it falls upon the Speaker to exercise his or her discretion whether or not to impose restraint upon the assembly when, in a situation

of the type I just described, it appears to the Speaker that members may be venturing too far in their remarks.

The Speaker, however, has two other major considerations in mind when sub judice arises: first, the fundamental parliamentary privilege of freedom of speech and, second, the practical limitations on his ability to be fully aware of every matter before the courts. Let me address each of these important factors.

Freedom of speech is one of the most important and useful privileges enjoyed by members of the Legislative Assembly. The Bill of Rights of 1688 first declared this privilege, and Canadian Legislatures, even before Confederation, likewise claimed it. It was formally conveyed to the Parliament of Canada in the Constitution Act, 1867, and the provinces of Canada have since aggressively and successfully continued to claim this privilege. It is the basic building block of this Legislature.

The Speaker, therefore, has a solemn obligation to uphold the right of every member to speak freely in this place, and would only reluctantly interfere in a debate in certain circumstances. One of these is when matters being discussed fall under the sub judice rule. However, in the absence of a blatant and obvious transgression of the sub judice convention, the Speaker will instead err on the side of the right of members to debate and consider important public issues in the Legislature.

Marleau and Montpetit's House of Commons Procedure and Practice, at page 537, in a reference to the first report of the House of Commons special committee on the rights and immunities of members, explains this application of the sub judice convention as follows:

“... when there is doubt in the mind of the Chair, a presumption should exist in favour of allowing debate and against the application of the convention.”

On the second matter of knowledge of matters before the courts, as numerous of my predecessors in this chair have stated, members can surely appreciate the difficulty the Speaker has, as he cannot be fully aware of every matter before every judicial body. Moreover, standing order 23(g) directs the Speaker to interfere in debate only when he or she is satisfied that continued reference to the specific matter may tend to prejudice the relevant proceeding. This is extremely difficult for a Speaker to gauge.

The specific case at hand refers to comments made during question period, and here again the authorities in our practice are instructive.

The voluntary nature of the sub judice convention means that every member must be careful to refrain from making comments in debate, motions or questions.

In debate, this self-regulation is essential. In oral question period, Speakers largely rely upon the ministers to whom questions are addressed to decide if further discussion of the matter might prejudice a matter before a court, or other judicial or quasi-judicial body, or tribunal. And while ministers have every right to decline to answer a question which in their view rubs up against the sub judice convention, members in framing questions must also be cognizant of their responsibility in this regard.



Indeed, the very posing of a question may cross the sub judice line, but the conundrum for all is that, regardless of the subsequent actions of the Speaker or anyone else, the damage has already been done.

In the specific case at hand, I have reviewed the Hansard exchange from June 6 between the member for Leeds—Grenville and the Premier. Beyond subjective inferences which a reader might draw from them—which is well beyond the concern of the Speaker—I do not find any of the comments go so far as to concern me with regard to sub judice.

I will end by noting again that the sub judice convention relies for its effectiveness upon the goodwill of all members in voluntarily refraining from discussing matters before the courts or judicial bodies. I think it is worth reminding members that extreme caution should always be the order of the day whenever such matters arise as a topic of discussion in this chamber.

1410

## STATEMENTS BY THE MINISTRY AND RESPONSES

### JOURNÉE NATIONALE DES AUTOCHTONES NATIONAL ABORIGINAL DAY

**L'hon. David Ramsay (ministre des Ressources naturelles, ministre délégué aux Affaires autochtones):** C'est aujourd'hui la Journée nationale des autochtones, et je suis très heureux de saluer, en cette importante journée, les Premières nations, les Inuit et les Métis de l'Ontario.

Today is National Aboriginal Day, and it is a pleasure for me to rise in the House and extend my best wishes to all First Nation, Metis and Inuit peoples living in Ontario on this important day.

Today is a special day for me, as it is the first time I am able to rise in the House on National Aboriginal Day as the minister responsible for aboriginal affairs, and acknowledge the significant contribution that aboriginal peoples have made, and continue to make, to Ontario and to Canada.

It is important that all Ontarians recognize these contributions, particularly when we are hearing stories on a daily basis about the situation at Caledonia. Aboriginal peoples across our province have been dealing with difficult situations for centuries. The situation at Caledonia is only the most recent example.

Given these current events, it is important that we take time to reflect on the positive role that First Nation, Metis and Inuit peoples play in this province.

National Aboriginal Day is a day for Ontarians to learn more about the rich culture and history of aboriginal peoples in Ontario. Aboriginal peoples have always been a diverse and vital presence in the culture and social fabric of our province. This important day provides an

opportunity for us to acknowledge with gratitude the unique contributions of First Nation, Metis and Inuit peoples to Ontario and to Canada.

Cultural workshops and other activities in aboriginal communities help Ontarians gain a better understanding of aboriginal peoples and cultures in Ontario.

J'encourage les Ontariens à participer aux nombreuses activités culturelles organisées par les organisations des Premières nations et des Métis partout dans la province à l'occasion de la Journée nationale des autochtones. Dans ma propre circonscription de Timiskaming—Cochrane, par exemple, un barbecue est organisé à New Liskeard à l'occasion de cette journée spéciale.

I encourage Ontarians to take part in many cultural events hosted by First Nation and Metis organizations across Ontario to celebrate National Aboriginal Day. In my own riding of Timiskaming—Cochrane, for example, an Aboriginal Day barbecue is being held in New Liskeard.

I am very pleased to tell the House that I had the pleasure of celebrating National Aboriginal Day yesterday with the Lieutenant Governor of Ontario, the Honourable James K. Bartleman. It was an event to highlight the Lieutenant Governor's aboriginal summer literacy camps. In addition to the support for the literacy programs of our government, he recognizes the unique needs of aboriginal children and youth.

Last year, the McGuinty government launched its New Approach to Aboriginal Affairs. At the heart of our new approach is the recognition that we must create a better future for aboriginal children and youth. We are committed to ensuring improved opportunities and a better way of life for First Nation and Metis communities across Ontario.

Last November, I had the pleasure of joining the Premier and aboriginal leaders from Ontario to represent Ontario at the first ministers' meeting in Kelowna. This was an historic event, where Premiers from all the provinces and territories, the Prime Minister of Canada and First Nations, Metis and Inuit leaders worked together to find solutions for closing the socio-economic gap that exists between aboriginal and non-aboriginal communities.

The McGuinty government continues to support the principles behind the Kelowna accord and will continue to push the federal government to meet its funding commitment.

In March this year, the McGuinty government, with 49 chiefs of treaties 5 and 9, launched a process to establish a Northern Table to help bring greater economic opportunity to aboriginal communities in the north. Establishing the Northern Table will fulfill one of Ontario's key commitments under the New Approach to Aboriginal Affairs.

The goal of the Northern Table is to ensure the active participation of First Nations in establishing a viable economic base in Ontario's far north. Once established, the Northern Table would enhance First Nations' participation in the benefits of resource development and boost



the long-term sustainability of the northern economy. It will build on our government's current initiatives, programs and services. It will be a true partnership that, over time, will include other First Nations across the north.

Later this month, I will be travelling to Big Trout Lake First Nation for the annual Chiefs of Ontario summer meeting. The meeting will provide an opportunity to discuss progress in a number of key initiatives of the new approach since its launch last year. It will also provide an opportunity for the McGuinty government to renew our commitment to strengthening relations with First Nations leaders.

The McGuinty government has shown that it is listening to the concerns of First Nations and Metis people, and we will work together on our shared priorities and goals. We will be working towards building trust and understanding. What binds us together is our common humanity. The McGuinty government is committed to working with First Nations and Metis leaders and the federal government to make a real difference and to achieve real results in improving the lives of aboriginal peoples.

Please join me in showing our appreciation for First Nation, Metis and Inuit peoples on National Aboriginal Day. Thank you. Meegwetch.

ÉDUCATION POSTSECONDAIRE  
DE LANGUE FRANÇAISE  
FRENCH-LANGUAGE  
POST-SECONDARY EDUCATION

**L'hon. Christopher Bentley (ministre de la Formation et des Collèges et Universités):** Le gouvernement McGuinty a pris l'engagement de faire en sorte que toutes les personnes de l'Ontario aient la possibilité de poursuivre des études postsecondaires ou une formation professionnelle. Nous savons que nous réaliserons seulement notre potentiel en tant que province lorsque chaque Ontarienne et Ontarien pourra réaliser son propre potentiel.

C'est la raison pour laquelle nous faisons un investissement historique de 6,2 \$ milliards, le plus important investissement en 40 ans, dans le cadre du plan Vers des résultats supérieurs, afin d'améliorer l'accès à une éducation postsecondaire de qualité.

Last year, 16,700 French-speaking students were enrolled in post-secondary education in Ontario, more than 12,300 in our bilingual universities and close to 4,400 in two French-language colleges.

There are special challenges in providing high-quality programs in French. It can, for example, be more costly to both develop and deliver these programs.

Our government's Reaching Higher plan committed \$10.2 million in 2005-06, rising to \$55 million by 2009-10, to help post-secondary institutions deliver programs that will improve access to and success in post-secondary education for four groups of students: francophones, aboriginal peoples, persons with disabilities, and those

who would be the first in their family to attend college or university.

In January, our government established an advisory committee on French-language post-secondary education. This committee provides ongoing strategic advice to the Minister of Training, Colleges and Universities on how to improve the participation in and success of francophone students in French-language post-secondary education and skills training.

I am pleased to tell the honourable members of this House that the McGuinty government has acted quickly on the initial advice we received from this committee by expanding support for French-language students to ensure they have the opportunity to study in their own language at post-secondary institutions. We've already made a \$3.5-million investment in 2005-06 to support greater access for francophone students by expanding programming at Ontario's French-language colleges and bilingual universities and increasing student supports to improve student success.

This morning I visited the University of Ottawa, where this funding is being used to develop honours programs in life sciences by offering new third- and fourth-year courses in French to complement existing first- and second-year courses. I was joined there this morning by the minister responsible for francophone affairs. The university is also developing an innovative immersion program for improving second-language proficiency that will help students who want to teach a second language improve their skills and be better qualified to enter the job market. La Cité collégiale is recruiting more full-time students and providing increased support to both faculty and students. They're also improving the quality and diversity of French-language programs and expanding links to universities and school boards.

Collège Boréal is enhancing support services for students, including counselling and mentoring, and technological support to improve access to programs and courses through distance education to the college's 25 video conferencing sites.

Francophone access funding will help Laurentian University and its affiliate the University of Sudbury to offer a greater variety of French-language courses and to develop new third- and fourth-year science courses in French, again to complement existing programming so that these degrees can be studied entirely in French.

Hearst College is increasing the number of French-language courses it offers, emphasizing teachable subjects to help increase the supply of francophone teachers. Glendon College at York University is using the investment to increase enrolment in French-language courses and programs and to offer better quality student services.

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There was a second initiative I announced today, and that relates to enhancing the quality of French-language programming at our bilingual universities. The McGuinty government is committing \$4.7 million in 2006-07 to enhance the quality of French-language programming in



Ontario's bilingual universities. This funding will go to help our bilingual universities hire new francophone faculty, provide more academic resources, and improve the francophone student experience by increasing opportunities for student-faculty engagement.

Through this initiative, the University of Ottawa will receive \$3 million in increased support this year, Laurentian University is receiving \$1 million, Glendon College at York will receive almost \$500,000, and Hearst College will receive \$98,000 to enhance French-language program quality. In total, this investment is \$8.2 million to expand access to and improve the quality of Ontario's French-language colleges and bilingual universities and their program offerings.

Our support for French-language post-secondary education will increase in the next four years. We know that enhancing French-language services will go a long way toward helping francophone students achieve their post-secondary goals. We are encouraging all Ontarians to pursue higher education and enhanced skills training so they are prepared for the jobs of the future. We know that a highly educated workforce is necessary to meet our goals for economic growth and prosperity in the future. We can only meet these goals if every Ontarian meets their full potential. These investments to support French-language education will help achieve that potential.

#### LE SOMMET AIR PUR DE 2006

##### SHARED AIR SUMMIT 2006

**L'hon. Laurel C. Broten (ministre de l'Environnement):** L'année dernière, le premier ministre de l'Ontario et moi-même avons coprésidé le premier Sommet air pur, et je sais bien qu'un bon nombre des députés ici présents ont participé à ce sommet. Aujourd'hui, j'ai le plaisir d'annoncer que le deuxième Sommet air pur aura lieu le 26 juin ici à Toronto.

Last year, the Premier and I co-hosted the first Shared Air Summit, and I know many of the honourable members of this House attended the summit. I'm pleased to announce that next Monday, June 26, the second Shared Air Summit will take place here in Toronto.

We've got an impressive lineup of speakers. A committed and passionate environmental leader who spent decades championing the cause of clean air, land and water, Massachusetts Senator John Kerry will be speaking at the summit via live satellite. Dr. Roberta Bondar, neurologist, astronaut, acclaimed photographer and dedicated environmentalist who inspires young people to protect the planet she so strikingly documented from space; Claude Béchard, Quebec's Minister of Sustainable Development, Environment and Parks, who is leading the province's fight against climate change; and Olympic silver medalist and clean air champion Sara Renner will all be addressing the summit.

This summit was created by the Premier because our government is serious about protecting people's health and improving the air we all breathe. Our government is committed to making Ontario a North American leader in

clean air and climate change initiatives. The Shared Air Summit 2006 provides an excellent venue to forge effective partnerships and build on the momentum we established last year. Leading international experts will bring us up-to-date with the latest research on transboundary air pollution, environmental health and climate change. We'll learn from each other's successes and develop strategies to protect the air here at home, across our borders and around the world. This summit clearly demonstrates that Ontario is a hub for ideas, innovation and solutions.

Nous découvrirons nos réussites respectives et nous élaborerons des stratégies pour protéger l'air au niveau local, au-delà des frontières et dans le monde entier.

Ce sommet démontre clairement que l'Ontario est un centre où prime l'innovation et où l'on génère des idées et des solutions.

Smog, air pollution and climate change are the most critical environmental issues of our time. They need to be at the forefront of public discourse. The science is clear: Air pollution is inflicting serious damage in Ontario, and the effects of climate change are being felt around the world. Air pollution causes almost \$10 billion in damage to our province. More than \$6.5 billion of that is in health costs, and more than half of that comes from transboundary air pollution. The result is thousands of deaths, illnesses and hospitalizations. But these are not just numbers. Each of these statistics represents an all-too-often nameless, faceless person who has suffered the effects of smog and air pollution.

As the mother of two baby boys, I think of their future. We all want our children to grow up with quality of life that is, at the very least, as good as ours. I ask the same questions you do. Will my boys be able to breathe healthy air? Will they be able to enjoy the outdoors every day during the summer? Will they grow up in a world where climate change is no longer a global threat? The answers to these questions must be a resounding yes. We owe it to every Ontarian.

Our government is on the side of Ontario families who want to protect the health of their families, who will not rest until Ontario has the best-protected air in the world. This is why earlier this week we announced our investment of more than \$480,000 in the science of clean air and climate change. It's why we recently announced that we are moving forward on new or updated standards for 15 harmful air pollutants. It's why we've approved the next stage of Ottawa's plans to build a rapid transit system to help get cars off the road, improve air quality and reduce emissions that contribute to smog and climate change. And it's why our government is firmly committed to closing coal-fired energy plants and moving forward with clean, renewable energy.

I've been proud to take Ontario's record of accomplishment to Washington to work with our US partners to reduce transboundary pollution that threatens communities on both sides of the border.

Protecting air quality and fighting climate change are among the defining challenges of our time. In the words



of former US Vice-President Al Gore, we face “a generational mission.” The Shared Air Summit 2006 provides an important forum to talk about the mission—to raise awareness, build partnerships and trigger collective action. By working together, we will create a healthier, stronger future for Ontario and for our world.

I call on all members of the Legislature to join me on Monday, June 26, for the Shared Air Summit 2006.

**The Speaker (Hon. Michael A. Brown):** Responses?

#### NATIONAL ABORIGINAL DAY

**Mr. Norm Miller (Parry Sound–Muskoka):** I’m very pleased to add my thoughts to those of other members of the House on this, the 10th anniversary of National Aboriginal Day.

Today, across this province and across our great country, First Nations, Inuit and Metis people celebrate their cultures, heritage and accomplishments. It is important to recognize the distinct nature of each of our founding cultures if we are to understand their unique and individual contribution to our history.

Recent events at Six Nations-Caledonia underline the need for greater appreciation, awareness and co-operation between and among our communities.

As politicians, we must lead by example, and it is imperative that we improve our own understanding of aboriginal communities by actively participating in celebrations. I myself have had an opportunity to attend First Nations and Metis celebrations, as have some of my colleagues. There are celebrations today taking place in communities across the province. For instance, in my riding of Parry Sound–Muskoka, the Moon River Metis Council is holding an Aboriginal Day celebration at Muskoka Heritage Place in Huntsville. In the neighbouring riding of Simcoe North, MPP Garfield Dunlop is participating in the official opening ceremony of the new Beausoleil First Nation community, sports and recreation centre on Christian Island.

National Aboriginal Day is an opportunity for greater awareness of the contributions of the aboriginal community. Today’s celebration of aboriginal values—wisdom, truth, honesty, respect, bravery and humility—helps to underline the values our cultures share.

I hope all Ontarians take this opportunity to build bridges and strengthen ties between our communities.

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#### FRENCH-LANGUAGE POST-SECONDARY EDUCATION

**Mr. Frank Klees (Oak Ridges):** In response to the Minister of Training, Colleges and Universities’ announcement today, we were pleased with the announcement—to hear that the government is finally beginning to pay attention to the needs of the francophone community in Ontario. After years of fighting the initiative of the former Conservative government to support learning opportunities within this valued segment of our popu-

lation, the government is finally coming around to our point of view.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order.

The member for Oak Ridges.

**Mr. Klees:** Thank you, Speaker.

We were disappointed, however, to see that this was just another reannouncement, another photo op to divert attention from the fact that this government is really doing nothing. The minister is the first to admit that this money is not new, that it was in fact part of an announcement made last year. I think the people of Ontario are getting tired of this government’s tactic of announcing and reannouncing programs. If the general public doesn’t catch on, we know the stakeholders are, and they’re getting tired of it as well.

#### SHARED AIR SUMMIT 2006

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I rise today to comment on the Minister of the Environment’s statement. It’s nice that you’re having this Shared Air Summit occurring next week. It’s always valuable to have the opportunity to talk with the parties about issues that affect us across the border. But your government continues to import dirty US power, and your new energy policy will mean we’ll have to continue to do that for the foreseeable future. But the present Liberal government has never shied away from making an unrealistic promise.

Surprisingly, to the people across, it was my colleague Elizabeth Witmer and our government that made the decision to close the Lakeview plant in Mississauga in 2001. In the future, please feel free to credit Mrs. Witmer and the Conservative government when you go around flaunting your 33% decrease in toxic emissions.

Unfortunately, your air pollution strategies have about as much credibility as your 2003 election platform. The truth is that while you were out there smiling for the Lakeview photo op, you were still importing power from dirty, coal-fired plants in the United States.

I quote Minister Broten from June 7, 2006: “Transboundary air pollution is responsible for more than half of our smog. It alone costs \$5.2 billion every year and causes more than 2,700 premature deaths.” But while you’re making a speech, your government is still contributing to transborder air pollution by purchasing power from the States.

This is the most convoluted, backward air pollution reduction strategy I have ever heard of. Surely you’re not going to flaunt this well-thought-out strategy internationally. We will be a laughingstock. Your efforts are true Liberal “someday” policies: Someday we will affect climate change; someday we will reduce air pollution—

**The Speaker (Hon. Michael A. Brown):** Thank you. Responses?

**Mr. Howard Hampton (Kenora–Rainy River):** It’s very puzzling that a Minister of the Environment who has been busy undermining Ontario’s fundamental environ-



mental laws would want to speak about climate change today, one week after the McGuinty government broke their promise to close Ontario's coal-fired plants, the source of 50% of all the greenhouse gas emissions in the province.

As we've pointed out a number of times, the McGuinty government has no climate change plan. The David Suzuki Foundation emphasized this point last year in their report, *All Over the Map*, and the Suzuki report was issued before Dalton McGuinty acknowledged he was going to break his promise to close down coal.

Just last week, the Sierra Club of Canada issued their annual Rio Report Card, which grades federal and provincial governments on environmental issues, including climate change. And what was the McGuinty government's mark on the climate change report? "F" for failure. Only one other province got an "F", and that was Alberta, but the McGuinty government has the nerve to stand up and lecture others about climate change.

The Sierra Club states in their report from last week: "The original commitment to shut down coal-fired power by 2007 was a significant factor in the McGuinty government winning the 2003 provincial election. This embarrassing policy retreat has numerous negative aspects.... Ontario's annual death count from air pollution is unlikely to be reduced from the annual figure of 5,800 premature deaths as reported by the Ontario Medical Association."

Having shelved 50% of the emission reductions that the McGuinty government promised but failed to deliver leaves their Kyoto commitment up in smoke. In the process, the McGuinty Liberals have made Ontario the scourge of the country in terms of combating climate change. We know the Minister of the Environment is failing to protect the environment on many fronts. Unfortunately for Ontarians, action on climate change has now become another of the mounting McGuinty government failures.

#### NATIONAL ABORIGINAL DAY

**Mr. Howard Hampton (Kenora-Rainy River):** I want to say just a few words in honour of National Aboriginal Day. Across Canada and across Ontario, aboriginal people are celebrating their contributions, cultures and struggles for self-determination, for vibrant languages and cultures and for healthy, thriving lands and communities.

Today, I especially want to honour the people from Kitchenuhmaykoosib Inninuwug community, who have walked 2,000 kilometres here to Queen's Park to protest against the activities of the McGuinty government—a McGuinty government which continues to permit and encourage mining exploration on their traditional lands despite the fact that the people of Kitchenuhmaykoosib Inninuwug have said to the McGuinty government that they do not want mining activity and mining exploration at this time.

I want to salute the walkers from KI for their courage and their determination, and I say to the McGuinty

government that it is time for you to keep your promises to First Nations.

**Mr. Gilles Bisson (Timmins-James Bay):** I too want to take an opportunity to signal that this is an important day to all First Nations residents of the province of Ontario. Unfortunately, far too often they've been disappointed by this government, as they have been for many, many years, when it comes to living up to basic treaty rights and treating those communities with dignity. We have seen example after example where First Nations have been left behind to live in Third World conditions, where governments have decided to do nothing to advance their needs as a community. I say, on behalf of the communities I represent and that other members represent, that we need to take those issues seriously, we need to put our dollars where our mouth is and we need to make sure that we fund the needs of those communities.

We also say to this government, in the wake of what's going on in Caledonia, that they waited too long to deal with this particular issue, and as a result of that, this issue has gotten way out of hand. The government would have done better to listen to what people were saying in the local community before all of this blew up into what it is now, and maybe we would not be where we are.

#### ÉDUCATION POSTSECONDAIRE DE LANGUE FRANÇAISE FRENCH-LANGUAGE POST-SECONDARY EDUCATION

**M. Gilles Bisson (Timmins-Baie James):** Sur la question du Collège Boréal, je dis au ministre que vous avez une chance aujourd'hui de faire quelque chose sur le bord de la programmation. On vous dit que c'est un pas positif, mais on vous rappelle que vous avez des responsabilités envers les fonds capitaux. On vous demande de finalement financer le Collège Boréal, qui peut faire—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### VISITORS

**Mr. Toby Barrett (Haldimand-Norfolk-Brant):** On a point of order, Mr. Speaker: I wish to ask all members of the assembly to join me in welcoming two busloads of residents who have come to Queen's Park from Caledonia.

**Mrs. Julia Munro (York North):** On a point of order, Mr. Speaker: I'd like to ask all members to help me welcome the family of page Evan Dailey—Tim, Elizabeth and Evan's brother, Cameron—here in the visitors' gallery today.

**Mr. Howard Hampton (Kenora-Rainy River):** On a point of order, Mr. Speaker: I ask all members to welcome the people of Kitchenuhmaykoosib Inninuwug who have walked 2,000 kilometres to be here: Mark Anderson, Wally Moskotaywamen, Dylan Morris, Fred Sainnawap, Rene Begg and Dustin Quequish.



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## ORAL QUESTIONS

## NATIVE LAND DISPUTE

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Today, the people of Caledonia—and some are still here in the House with us this afternoon—decided to pay you a visit, the mountain coming to McGuinty, as it were. The people here tell us that they've come to ask for your help. For months on end, they have lived in fear in their own communities and even in their own homes. The lawlessness that has taken place on and off now for more than 110 days has left them in a very dire state, and they feel there is no one looking out for their safety and that of their families. They quite frankly feel abandoned.

A week after you set conditions, and then abandoned them in large measure, five of the seven people with outstanding arrest warrants remain at large, including one individual with attempt murder, forcible confinement and assaulting police officer charges levied against him, among other things. The land you're trying to buy continues to be occupied, with no end in sight. What do you have to say to these people who have come here to ask for your help?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I was very pleased to have the opportunity earlier today to meet with representatives of Caledonia, as were my Ministers Ramsay and Cordiano, who had the opportunity to meet with representatives last evening. They have agreed to meet on a weekly basis with representatives to ensure that we are completely in the loop, and I think just as important, that they're in the loop as well with respect to our activities.

Progress has been slow, but it is undeniable. We have brought barricades down. We have reached an agreement with the local developer to purchase the disputed land. We have recently invested \$1 million more in relief for local businesses, bringing the total to \$1.7 million. The community liaison table is again meeting today, as well as the main table. I am also pleased that a second arrest was made earlier today, and I understand that the police are continuing to pursue the necessary—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Tory:** It really sums it all up, that just about a year after the letter you received warning you about this, more than 100 days after the occupation began and weeks after we started asking when ministers might sit down with these people and communicate with them on a regular basis, now—more than 100 days later—you're starting weekly meetings. Better late than never, but it sure would have been better if they had started a lot earlier than now.

Premier, I ask you this: How do you think the people of Caledonia feel when they read articles, like the one in

today's Toronto Star, about the lack of law and order in Caledonia and the powerless OPP officers who have apparently been ordered to stand down in many of the instances we've seen? We have a quote in the Star from an OPP officer, who, for reasons we would all understand, remained anonymous, but who told the Star, "There were physical assaults taking place in front of you and you can't do anything about it. The OPP is a joke in terms of Caledonia." What do you have to say to people about this and about what the police officers have clearly—

**The Speaker:** The question has been asked.

**Hon. Mr. McGuinty:** It may be that the leader of the official opposition is somehow privy to insider information with respect to what directives have been issued by the higher-ups in the OPP to the police, but that's not information that we have. He keeps making constant references to a state of lawlessness. If there is advice or information that he has regarding policing activities at Caledonia, then we would greatly appreciate it if he would share that advice, those recommendations he has for the police, here with this Legislature.

**Mr. Tory:** I have been very pleased to share with the Premier advice with respect to the role he could play in asking all sides, all corners of this community, to come in and be told by him that lawlessness will not be tolerated and that negotiations will not continue in the event we see this continued lawlessness in this community. I was simply quoting an OPP officer, who, for obvious reasons, remained anonymous. And he talked not to me; he talked to the Toronto Star, so you should take that up with them if you think they manufactured that quote.

Your whole approach on this, whether it's the weekly meetings we hear about today or anything else, has been to wait as long as you can, do as little as you can, show weak leadership and hope the whole thing goes away. Even your compensation package to business is out of touch. You have offered business owners a small amount—one of them claims to have lost, by himself, \$100,000 since this began—and yet you can come up with a sum in the millions you won't tell us about to buy the land.

When will the people of Caledonia, from all corners, expect to see you stand up and speak up for the rule of law applying to all people at all times—

*Interjection.*

**The Speaker:** The Minister of Health will come to order. Premier?

**Hon. Mr. McGuinty:** Apparently the leader of the official opposition has some particular advice or recommendations, which he is not prepared to share with us, for the police. I appreciate that my friend likes to quote unnamed sources, but here's somebody who is prepared to admit to who they are. He's president of the Ontario Provincial Police Association, Karl Walsh. He is quoted recently in a Christina Blizzard column: "Walsh says he appreciated the government's hands-off approach to policing in Caledonia and says the opposition ... should stop playing politics with the standoff." That comes from



the president of the Ontario Provincial Police Association.

I would ask that the leader of the official opposition kindly take into regard the advice of the president of the Ontario Provincial Police Association, who says that he is playing politics with the standoff.

**The Speaker:** New question.

**Mr. Tory:** I have a new question for the Premier. I will tell him now that I will continue to stand up here, day after day, as long as we're here, and, when we're not here, I'll stand up elsewhere and put the questions to you—

*Interjections.*

**The Speaker:** I need to be able to hear the Leader of the Opposition ask the question. He's the only person who has the floor.

The Leader of the Opposition.

**Mr. Tory:** You would prefer that nobody asked you any questions about this whatsoever, including the one I'm going to ask you now about the cost of the land that you are buying in Caledonia.

Today, you've repeatedly refused to tell the taxpayers how much money you're going to pay for this land. Today, there seems to be some confusion as to whether the deal that you announced last Friday with such fanfare is a binding agreement with a price or something much less, which you exaggerated for political purposes. Is there, in fact, a binding agreement which has been concluded and executed, and if there is one, will you tell the taxpayers what the price is that was paid for the land? Stop hiding behind excuses and be straight with them about their own money.

**Hon. Mr. McGuinty:** There is, in fact, a binding agreement to purchase the land, but the leader of the official opposition has a hard time accepting good news and signs of real progress.

We've got the Argyle Street barricades down. We've got the Highway 6 barricades down. We have, in fact, reached an agreement with the local developer to purchase the disputed lands. We have invested close to \$2 million now in additional supports for the communities. We have put in place a community liaison table, which is meeting as we speak, and specifically, today, they're talking about developing guidelines for a relief program for residents in the houses that are directly affected by this situation. Last week, there was the arrest of one individual. Just today, there was an arrest of a second individual. The main table is also meeting today to find out how we can best address the longer-term issues.

The leader of the official opposition has difficulty accepting it, but there is some good news here.

**Mr. Tory:** What I have more trouble accepting is that there are five out of seven people who have arrest warrants sworn out for serious matters still at large. The land is still occupied. The barricades there are still up, and perhaps most important of all, the people who are here today, in many cases, because they told me and I'm sure they told you, they are afraid to be in their own

homes in the province of Ontario. They're worried about what's going to happen when the schools are out this week and their kids are on summer holidays. So, yes, there may be some good news, but there are a lot of things left to be done in this whole thing.

We're told that one of your pieces of good news about the land transfer—and I think we'll have to see about that when we actually have the details, if we ever get them—may take six months to conclude, so that could mean six more months of disruption on the part of people in this community. The chaos would continue. On top of that, of course, you refuse to tell us the price. Can you tell us: What is the timetable for this land to change hands? Can you guarantee people from all corners of this community that this land deal you're in the middle of doing, without a price apparently, will be concluded—

**The Speaker:** The question has been asked.

**Hon. Mr. McGuinty:** We will continue to discuss this with the vendors of the land.

Let me tell you a little bit more about what informs our thinking and inspires our efforts in this regard. This development company, the principals of which are two brothers from the community of Caledonia, is caught up in a situation which is entirely not of their making. We feel a responsibility to help them in this regard to ensure that they do not suffer financial losses, because if we were to do nothing, they would suffer very significant financial losses. So we feel this sense of responsibility. We are sitting down with these developers and making sure that they do not suffer financial hardship as a result of circumstances which are entirely beyond their control.

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**Mr. Tory:** The Premier told the House earlier that there is a binding agreement in place. As he would know—he's a lawyer—a binding agreement will have in it a purchase price and a closing date. You've repeatedly refused, and I ask you one more time, to tell us what the purchase price is and to abandon these flimsy excuses you're using not to tell us how much taxpayers' money is involved. Tell us, then, what the closing date is as well. And while you're at it, perhaps you could tell us what the total cost of this fiasco is going to be, because there are estimates now circulating to the effect that the total cost will exceed \$100 million, including the cost of the land, the cost of the policing, the cost of the compensation, and all the other costs. If that's not the right number, tell us what the right number is, tell us the price of the land, and tell us the closing date in the binding agreement you said you've signed.

**Hon. Mr. McGuinty:** The Leader of the Opposition is, if nothing else, colourful and inventive. I have no idea whatsoever, and I would speculate that neither does he, with respect to this \$100-million figure he has just floated.

We will continue to work with the community. We will do everything we possibly can to resolve this in a manner that is peaceful. I think the leader of the official opposition has now made it perfectly clear that his preference would be that we had not entered into nego-



tiations with the developers, that we had allowed them to flounder and suffer serious financial hardship. That's the approach he would bring. We bring a different approach on this side of the House. We feel a sense of responsibility to sit down with the community, to sit down with the developers in particular, and to ensure they do not suffer financial hardship.

#### ENVIRONMENTAL ASSESSMENT

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Minister of the Environment. Minister, you are a lawyer, your ministry employs a whack of lawyers, and at the cabinet table you are surrounded by lawyers, so surely you can answer this straightforward question: Under Ontario law, when are you supposed to notify the public about any changes to environmental regulations: (a) before your government passes the regulation into law, or (b) after the fact, as you have done with your secret regulation that exempts your \$40-billion nuclear mega scheme from a thorough, proper and effective provincial environmental assessment? Which is the correct answer?

**Hon. Laurel C. Broten (Minister of the Environment):** I know the leader of the third party would prefer to tie up the OPA's IPSP in a never-ending process, which would see not a single new windmill built, no small hydro dams, no biomass facilities built for years and years to come, because that is the legacy that his government left.

Ontarians are telling us that it's time to get on with addressing the electricity needs of this province, and to do so in a manner that benefits the environment. Our record to date speaks volumes. We have already signed contracts for 1,300 megawatts from wind, landfill methane and biogas, another 660 megawatts from small hydro, and 4,375 megawatts from natural gas. I will continue to advocate for increased use of cleaner electricity such as solar, small hydro, natural gas and biomass, and we will tackle the challenges facing our province and deliver a clean—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Hampton:** I'm shocked. Despite the fact she's a lawyer and she's surrounded by lawyers, the minister couldn't answer the question, or should I say, wouldn't answer the question. The correct answer is (a), you're supposed to notify the public. But you simply overlooked that part of Ontario law.

It's your responsibility to stand up for the environment. You failed to do that. It's your responsibility to make sure Ontario's environmental laws are respected and observed. You failed to do that. It's not your job to rubber-stamp \$40-billion nuclear mega schemes by putting out a secret regulation exempting them from an environmental assessment. But what's even more bizarre is that after you recognize your mistake, you try a silly public relations move, like asking people for their comments after you've already passed the regulation in secret.

I have a simple question for you, Minister: Why didn't you post your regulation to exempt the McGuinty government nuclear mega scheme before you passed it, as required by Ontario law?

**Hon. Ms. Broten:** It's the leader of the third party's job to criticize and it is my privileged position to represent the interests of Ontarians.

Let me tell you what we have done since we became government. Since we've come to office, OPG's emissions of CO<sub>2</sub> have been reduced by 15%, NO<sub>x</sub> have been reduced by 34%, SO<sub>2</sub> has been reduced by 28%, and mercury has been reduced by 33%.

We are not stopping there. We've also taken actions to reduce the volume of vehicle traffic on our roads by investing \$838 million in public transit in the GTA alone, create a 1.8-million-acre greenbelt to limit urban growth, double the retail tax rebate, require 5% ethanol content in gasoline by 2007—and the list goes on. Our commitment stands: We will replace Ontario's health-threatening, coal-burning generating stations with cleaner sources of electricity, despite—

**The Speaker:** Thank you. Final supplementary.

**Mr. Hampton:** Minister, here is your record: You secretly exempt Dalton McGuinty's \$40-billion nuclear mega scheme from a proper and thorough Ontario environmental assessment. When the Environmental Commissioner of Ontario says that you are breaking Ontario law and trying to duck accountability to the people of Ontario, you simply deny it. Then, when things get too hot, you, after the fact, say to people, "Give us your comments on the regulation even though we're not going to change the regulation."

Again, Minister, you're supposed to stand up for the environment. You're supposed to ensure that Ontario's environmental laws are observed; you're not supposed to be the one breaking them. When are you going to resign, Minister?

**Hon. Ms. Broten:** The leader of the third party wants to argue process. He is from a party of convenience. It's convenient to raise the concerns with respect to the EA process and the IPSP now, but it's the very same approach and decision we made with the coal replacement plan, and he did not have any concerns at that time.

We want what Ontarians want: a healthier environment for our kids to grow up in. We want to get rid of health-threatening coal burning in this province, and we are not going to let the third party's selfish politics threaten our kids' health. That's my commitment to the people of Ontario: to move us forward as part of a government that is going to build clean, green electricity as we move forward. That's what our commitment is to the people of this province.

**The Speaker:** New question.

**Mr. Hampton:** My question is to the Premier. In 1975, Ontario became a national leader by bringing in a visionary Environmental Assessment Act. In 1993, Ontario was an environmental leader again, with a visionary Environmental Bill of Rights. Both laws were designed to make sure that important government deci-



sions that can affect the environment and affect the economy and affect society aren't made in secret. They're designed to ensure that these decisions are debated in front of the people of Ontario.

Premier, if your \$40-billion nuclear mega scheme plan is so good, why are you afraid to subject it to the level of scrutiny that previous Ontario governments have maintained for decades: a thorough, proper and effective Ontario environmental assessment?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The fact is that this particular plan, and the work of this particular plan, have been and will be subjected to an unprecedented level of opportunities for the public to comment and for a full and thorough environmental assessment to take place.

The leader of the NDP knows full well that every new generation facility in the province of Ontario will be subject to a full environmental assessment. He would have us believe otherwise, but the fact is, there's a law in place that says you've got to do that. When it comes to nuclear generation, of course, there will be a federal environmental assessment. But when it comes to anything else, whether it's a new gas-fired facility, wind turbines or expanded hydroelectric, that is subject to a provincial environmental assessment. So I don't know where he's coming from when he would have Ontarians believe that there will not be a full environmental assessment, because the fact is, there will be. It's the law in Ontario.

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**Mr. Hampton:** The only environmental assessment that will happen will be the very weak federal environmental assessment that your own Minister of Energy says is inadequate, that your own Minister of Energy says needs to be improved and brought to a higher level.

The other thing you've tried to say is that you're going to turn responsibility for reviewing your nuclear mega scheme over to the Ontario Power Authority. Who is there? Why, Jan Carr, your former fundraiser. Mr. Carr opposed the coal phase-out from day one, opposed any further investigation into cost overruns at the Pickering nuclear station and spent his time during the last election gathering money for you on Bay Street.

Premier, can you explain to the people of Ontario how your former fundraiser, Jan Carr, will do a better job of protecting the environment and the public interest than a thorough, proper and effective Ontario environmental assessment?

**Hon. Mr. McGuinty:** Again, every new generation project will become the subject of a full environmental assessment. The leader of the NDP doesn't want to come to grips with that, but I think I have some sense of why it is that he wants to have the plan itself become the subject of an environmental assessment. That plan would be modified and ideally improved every three years when it's subject to a review. If we were to put the plan itself and every review through a two-year environmental assessment, we would never, ever make progress in Ontario when it comes to putting in place new generation. I

think that lends us some real insight into why it is that the leader of the NDP is not prepared to accept that every single project must be subject to an environmental assessment; rather, he would like to see the plan and every subsequent revision, modification and improvement also subject to an independent environmental assessment, which will effectively grind all—

**The Speaker:** Thank you. Final supplementary.

**Mr. Hampton:** Premier, you're wrong. I just want to see the McGuinty government observe the environmental protection laws of Ontario. That's all I want to see. But what have we seen? We saw Dalton McGuinty promise to close coal plants—didn't happen; up in smoke. You promised to freeze hydro rates—increased those by 55%. Then you promised to protect the environment. Now you've been caught in an unprecedented violation of Ontario's most important environmental laws and you're telling Ontarians to trust your former fundraiser to protect the environment or trust a federal environmental assessment process that your own Minister of Energy says is weak and needs to be improved.

Premier, that's your record. Can you tell us why any sane, rational person in Ontario who has witnessed all of your broken promises would trust—

**The Speaker:** Premier?

**Hon. Mr. McGuinty:** The leader of the NDP is nothing if not entertaining. But on this side of the House, we've got to take responsibility for making sure we have in place a reliable supply of clean, safe, affordable electricity. We put forward a plan that we believe to be balanced and responsible. We are calling upon the Ontario Power Authority now to move ahead with that plan. That will be subject to a number of reviews, including the fact that it has to be presented to the Ontario Energy Board, and every single new project—and I know the leader of the NDP understands this but he fails to come to grips with it—will become the subject of a full, complete, thorough environmental assessment. The leader of the NDP doesn't want any new generation in the province of Ontario. We differ in that regard and we look forward to moving ahead.

#### NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand-Norfolk-Brant):** To the Premier: Today we talked to busloads of Caledonia residents and they have questions for you. Premier, you can have a backyard barbeque. These people are frightened to go into their backyards. The barricades are still up. Five warrants are still outstanding. This morning, on the front lawn, we heard that children are eating their lunches under their desks. Things are worse now than they were February 28, not better.

Their questions: Is it now government policy to negotiate from a position of weakness, no matter how many laws are broken? Secondly, why did you start talks when your very own conditions have not been met?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the minister responsible for aboriginal affairs.



**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I think as the member knows, my colleague Joe Cordiano and I met with representatives of the alliance last night. We certainly heard first-hand much of what you've also been telling us in the House here. We're very sympathetic to the disruption that has been caused to people's lives in Caledonia.

I want to inform the member that as we speak, Jane Stewart is in negotiations today and concentrating on the issue of disentanglement of people there. We understand the activities on the occupied site are causing disruption to people's lives there. We don't want to see any of that intimidation that's going on and we are determined to put an end to it. That's what Jane's job is this afternoon.

**Mr. Barrett:** Thank you, Minister. I continue my questions to the Premier. It may go back to you. I don't see the Premier now.

Two conditions were set for negotiations. Neither have been met. The barricades are still up. We're not seeing any co-operation in handing over the five suspects.

On Monday, your Acting Premier said, "The barricades are down." Yesterday, your Premier cited "progress in getting barricades down," an admission by your government that your Acting Premier was wrong. There's a reason for those signs outside this morning that say, "McGuinty sold Caledonia for 30 pieces of silver. How much is your town worth?"

Premier, your constant flip-flopping has put you in a position of weakness and it's clear you don't really mean what you say. If you can hear me, if you do strike a deal, how will all sides know that you'll keep your word?

**Hon. Mr. Ramsay:** The member likes to nitpick over wording and vocabulary.

**Mr. Tim Hudak (Erie-Lincoln):** No.

**Hon. Mr. Ramsay:** Well, he does. First of all, we had an occupation, and he knows that. The land was occupied. So we've always considered the Douglas Creek property as an occupation. Then, when things went not the way we wanted and we saw some barricades set up—the transportation corridors and the hydro corridor were barricaded—we talked about the barricades for all those transportation corridors and they are down. Now we're dealing with the occupation.

You've got to know—and you understand with the arrests today—we're making progress. Last week you were talking about seven defenders at large. Well, now it's five. So we're making progress. You should be helping us and supporting us to make this progress. The police are doing their work. They are doing their job. There's co-operation between the professional force on the reserve and the OPP, and the job is getting done. We're doing the job now.

#### FIRST NATIONS

**Mr. Howard Hampton (Kenora-Rainy River):** To the Acting Premier: The Mikisew decision of the Supreme Court of Canada last November clearly requires

governments to consult and accommodate First Nations prior to allowing resource development activities on First Nation traditional lands that could impact First Nation treaty rights. Yet members of Kitchenuhmaykoosib Inninuwug are being forced to come here to protest and are being sued for \$10 billion by a mineral exploration company, Platinex, because the McGuinty government failed to fulfill its duty to consult and accommodate the First Nation.

My question is this: When will the McGuinty government live up to its constitutional and legal responsibilities and accommodate First Nation rights to consultation and accommodation instead of forcing them into the courts?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** To the minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** As a result of those Supreme Court decisions cited by the leader of the third party, the government of Ontario took an internal exercise with all ministries, working with all the lawyers in all the ministries to bring an interpretation forward as to what the responsibilities resulting from this court decision would be with each ministry in its responsibility to consult with First Nations on all the various aspects involving treaty and aboriginal rights.

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We have completed that exercise internally and are about to engage the First Nations leadership in Ontario to get some agreement as to what those protocols should be in all the areas that affect their lives. So what we want to do is get some agreement as to whatever the issue, whatever the project, so that we have a set of protocols established and agreed to ahead of time, as that's the way we need to consult with First Nations people.

**Mr. Hampton:** I want to get this straight: You have a constitutional and legal responsibility recognized by the Supreme Court of Canada. You now admit that you have not even produced yet the guidelines for consultation and accommodation, yet the McGuinty government gave a permit to the mining company to go into the traditional lands of this First Nation. It sounds to me, by definition, like the McGuinty government is already in breach of its constitutional and legal responsibilities. As a result of that, though, the First Nation has to pay the price: They're getting sued for \$10 billion.

My question is this: After you finish with your speeches and your platitudes, when are you going to do something about your own breach of your constitutional and legal responsibilities with respect to this and other First Nations?

**Hon. Mr. Ramsay:** I would say that we're not in breach at all, because we have the duty to consult on these protocols, and that's what we're about to do. We're not about to just impose them upon First Nations and say, "This is now how we're going to consult in the future"; we are going to engage in a dialogue to make sure we are on the right track and make sure they agree that these are the protocols we need to adopt.



That's what we're going to do: We're going to do that consultation with First Nations people instead of imposing it upon them, as this party would probably want to do.

### CANCER TREATMENT

**Mr. David Oraziotti (Sault Ste. Marie):** My question is for the Minister of Health and Long-Term Care. This past August, my constituents in Sault Ste. Marie heard the great news that they would be getting a new hospital as part of the ReNew Ontario program. This is so important for the people of the north because they have historically had difficulty accessing health services.

Minister, when someone is diagnosed with cancer, getting access to treatment close to home so they can have support from their loved ones is crucial. How will the Sault Area Hospital's expansion affect those who are in need of cancer treatment?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** Through the incredibly impressive and aggressive advocacy of the honourable member, it is true that we're moving forward with a long-awaited new hospital in Sault Ste. Marie, something that all members would know the community has been in need of for a long time.

One of those most novel elements of it, one that I think we should all celebrate, is that it addresses head-on the real challenges that people in the north particularly face—that is, with respect to travel distances. I'm very proud that the Sault Area Hospital will include a pilot radiation bunker. This will build on the skill set that's available in Sudbury, which is already supporting cancer work in Sault Ste. Marie, but will enhance those services so as to provide care for people in a more timely and efficient manner.

It's all about wait times in a certain sense, but more particularly it's all about providing care closer to home. The best health care is that which you find close to home. I'm proud that, as we move forward on the new Sault Area Hospital, that will include a pilot radiation bunker.

**Mr. Oraziotti:** I want to thank Minister Smitherman on behalf of our community for his tremendous support in helping us to address Sault Ste. Marie's health care needs.

Last month, Minister Caplan and Minister Gerretsen announced the renovation and expansion of the Cancer Centre of Southeastern Ontario at Kingston General Hospital. Terry Sullivan from Cancer Care Ontario said that more cancer centres have been built in the last two years than ever before in Ontario.

With the Cancer Centre of Southeastern Ontario slated to begin construction in 2008-09, can you elaborate on our progress to improve access to cancer treatments across Ontario?

**Hon. Mr. Smitherman:** One of the impressive results we're producing is, in a certain sense, based on an unfortunate circumstance, and that is that too many in our communities are suffering from various forms of cancer.

But we have been able to announce and to move forward with a very, very substantial rebuilding program and an additional capacity program with respect to cancer. This is bringing new facilities, as I mentioned, to the Sault Area Hospital, to Niagara in the Niagara Health System in St. Catharines, to Newmarket at Southlake hospital, to the Royal Victoria Hospital in Barrie, and expanded capacity at the Ottawa Hospital and Kingston General.

I'm pleased to say that in addition to the capital, as part of our local share announcement that came recently, our government will be covering 100% of the costs for eligible new major radiation therapy equipment.

We're partners with these hospitals in our regional cancer system, which is designed to provide care in a timely way and close to home for individuals. We're making sure that the government is resourcing these initiatives as part of our very ambitious program, ReNew Ontario, that is bringing Ontario's hospitals up to date.

### FISH AND WILDLIFE MANAGEMENT

**Mr. Norm Miller (Parry Sound-Muskoka):** I have a question to the Minister of Natural Resources. I recently reviewed an article by Andy Houser, former MNR director of fish and wildlife, which appeared in this month's Ontario Out of Doors magazine. Mr. Houser comments extensively on the MNR's soon-to-be-released fishing regulations and the 20 newly created fish management zones. He says, "After weeks of painstaking review and meetings with the OFAH and my former employer, MNR, I can tell you that I believe the proposed new fisheries regulations are fundamentally flawed. The new zones do not provide the necessary foundation for conserving Ontario's biodiversity related to fisheries and aquatic ecosystems." He suggests, "It is time for the minister to direct his staff to go back to the drawing board."

Minister, given the far-reaching implications of the new fishing regulations, will you take the time to get this right and delay implementation of these new regulations?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** This is why we're doing it, and we want to get it right. Basically we had a fishing regulation book that was maybe six inches thick and nobody could understand it. It was very difficult to enforce, and we didn't actually think it really protected the biodiversity of Ontario. What we wanted to do is to simplify that and to design some fish management units that were based on ecological reasons, considerations based on type of lake, water temperature, climatic zones, so it was really based on the sustainability of that area.

It's science-based, and I think that's what's important. This is the first time this has really been done in Ontario. We think it's what is required in the 21st century to sustain our fishery, and I'm very proud of the accomplishment that we're about to launch.

**Mr. Miller:** Minister, your former MNR director describes your ministry's attempt to reduce the number of divisions from 37 to 20 new fisheries management zones



as “a major error in understanding and judgment,” which will have the result of creating more exceptions instead of reducing the number from the now 2,900 exceptions. He says, “They combine areas of vastly different geology, physiography and lake morphology; vastly different fish communities and community structure; and fisheries with vastly different pressures and management objectives.” Mr. Houser points out that, “The amalgamation defies logic and sound fisheries management.”

Coupled with reductions in stocking programs, the new fishery regulations will have a significant negative impact on tourism and angling opportunities for people across the province. Why are you rushing to implement the regulations, which clearly do not reflect sound conservation management? Why don't you take the time, take an extra year and get it right?

**Hon. Mr. Ramsay:** As the member knows, when we embark on such major changes like this, we obviously post all these recommendations for public comment. You've just given me some public comment there that can be considered, just like the other recommendations we have received from our Environmental Bill of Rights posting. So we are looking at all of that now and we are going to consider all this information, because we do want to get it right. I just want to assure the member that that's the ultimate goal here, to simplify the regs, but to get it right so that we have a sustainable fishery in Ontario.

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## PUBLIC TRANSPORTATION VEHICLES

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Minister of Transportation. In Thunder Bay, Bombardier has a world-class factory for the manufacture of transit rail cars, subway cars and streetcars. The city of Toronto wants their new subway cars built in Thunder Bay because they're very satisfied with the quality products produced by the workers at the Thunder Bay plant. The mayor of Toronto and the TTC commissioners of Toronto have taken a lot of heat for this decision because critics claim it would be cheaper to build these subway cars in China.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. I need to be able to hear the leader of the third party ask his question.

The leader of the third party.

**Mr. Hampton:** Minister, the mayor of Toronto and the TTC commissioners have been standing up to sustain and maintain good manufacturing jobs at the plant in Thunder Bay. Can you tell me why the McGuinty government hasn't been standing up to sustain and maintain those jobs in Thunder Bay?

**Hon. Donna H. Cansfield (Minister of Transportation):** I thank the member for the question. The Toronto Transit Commission, or the TTC, is the proponent involved with the transaction; it has nothing to do with the province. The province has absolutely no ob-

jection to municipalities engaging in whatever decisions they make. Obviously, we would like to see that it is in the best interests of the taxpayers' dollars. There is nothing that prohibits municipalities from coming to the agreements they have come to. It is not in the province's jurisdiction.

**Mr. Hampton:** So the mayor of Toronto is fighting to sustain jobs in Thunder Bay, the TTC commissioner is fighting to sustain good-quality manufacturing jobs in Thunder Bay, but the McGuinty government doesn't care if these subway cars are made in China, the McGuinty government doesn't care if hundreds more people at the Bombardier plant get laid off.

Provincial government money is going into the purchase of these subway cars. Provincial government money went into the purchase of the rail cars for the Ottawa transit system. Some of those Thunder Bay workers would have paid taxes. Minister, do you really believe you don't have any responsibility to try to maintain and sustain good rail transit manufacturing jobs in Ontario at the Thunder Bay plant?

**Hon. Mrs. Cansfield:** I say to the member that the Premier, in fact, wrote to the mayor last year and indicated that he had absolutely no objection to the decision that city council took. It is a responsibility between the two municipalities in terms of the agreement they have. It has nothing to do with the province. All we would ask is that any decision be made in the best interests of the taxpayer and that there is value for money.

## PROTECTION FOR FARM WORKERS

**Mr. Pat Hoy (Chatham–Kent Essex):** My question is to the Minister of Labour. I understand that at the end of the month—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** I need to be able to hear the member for Chatham–Kent Essex.

**Mr. Hoy:** Thank you, Speaker.

Minister, I understand that at the end of the month your ministry will bring about a very significant change that will impact farming in Ontario. This change will affect all paid farm workers, including migrant farm workers.

We all appreciate the important role the agricultural sector plays in the economy of our province. However, it is widely recognized that working on a farm can be dangerous. While fatality and injury rates in the agriculture sector have come down in recent years, the lost-time-injury rate remains high by comparison to other high-risk sectors.

Minister, can you now tell us what you are doing to protect the health and safety of our farm workers?

**Hon. Steve Peters (Minister of Labour):** I want to thank the member, because he represents one of the most diverse agricultural ridings in this province.

June 30 of this year will be an historic day in this province, because no government has ever moved forward in bringing agricultural operations under the Occu-



pational Health and Safety Act. That's something we should all be extremely proud of because we recognize that agricultural work can be extremely dangerous. It's high-risk, and we need to ensure that farmers and employees of farms recognize the importance of working in a safe environment.

We know that this act is going to help reduce injuries to farmers and farm families. We are very proud of the fact that this was developed in consultation with the agricultural community, and I want to thank the community for coming forward to ensure that this important initiative took place.

I think it's important—my colleague on the other side raised this issue—that this will apply to migrant workers as well. Over 16,000 workers come to Ontario every year to assist in agricultural operations. They will now have the right to know about workplace hazards, the right to participate in workplace health and safety decisions and, most importantly, all farm workers who are paid will have the right to refuse—

**The Speaker:** Thank you. Supplementary?

**Mr. Hoy:** This is an important new regulation. I know that our government is committed to enhancing the health and safety of all Ontario workers, and this initiative proves that commitment. I also know that this initiative will help the Ministry of Labour achieve its goal of reducing workplace injuries by 20% by the year 2008.

Minister, could you also tell us how you are going to let those who work on farms, and those who own and run farms, know what the new regulations mean and how they will be enforced?

**Hon. Mr. Peters:** I think this clearly demonstrates how, as a government, we're moving forward in getting out of silo mentalities. We're working very closely with the Ministry of Agriculture, Food and Rural Affairs on this initiative. OMAFRA is playing a key role in helping to get out there and play an education role. As well, the Ministry of Labour will be responsible for enforcement. I'm proud to say that we have 14 inspectors who have been specifically trained in some of the challenges that exist within agricultural operations, including the very important area of biosecurity.

We've moved forward on a number of fronts, and this is going to be an ongoing process. We recognize the unique nature of agriculture, but at the same time we recognize that it is incumbent on us as a government to work with the agricultural community to make sure that we look after our farm workers. I reiterate that, come June 30, all paid farm workers in Ontario will have the same type of protection as is available to other workers in this province.

#### ONTARIO FARMERS

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** My question is to the Minister of Agriculture, Food and Rural Affairs. I was pleased yesterday when you stood in the Legislature and expressed your concern that foreign countries have created an uneven playing field for

farmers in Ontario. But the farming community and the Ontario Federation of Agriculture have been calling on you for months to put a freeze on the BSE CAIS clawbacks, just as the federal government has done in provinces where they administer the stabilization program. The inaction of your government is most definitely creating the uneven playing field for the farming community in Ontario.

My question is, when will you finally address the CAIS clawbacks with Ontario farmers and give them the even playing field with farmers across Canada that they deserve?

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** I'm happy to have the opportunity to clarify for the honourable member exactly what the clawback is about. When BSE occurred, money was advanced to certain farmers, and when the calculation was done it was realized that there was an overpayment. So farmers came to our government and said, "Rather than do what other provinces that don't administer CAIS have done"—they have employed collection agencies to go after their farmers for the overpayment. Our farmers have said, "Please don't do that. When there is a payment due, simply deduct the amount owing from our payment that's going out." That is the agreement we have reached with our farmers.

When you talk about a level playing field and treating farmers in Ontario fairly, we have sat down and talked with them and that is what they have asked us to consider. We think that is a great advantage—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Ms. Scott:** It's the OFA that has requested this. The federal government has put a moratorium on this clawback because right now farmers are in need; they can't pay the bills. So the OFA and farmers have asked, in this time of need, that that clawback be delayed, as the federal government has done.

Minister, will you commit today to put a hold on that clawback, because right now the farmers need the money? The federal government is part of that program, and they have done that in the provinces where they administer the stabilization program.

**Hon. Mrs. Dombrowsky:** I have had the opportunity to speak with the president of the OFA and to remind him that the arrangement we have in place in Ontario is a result of requests from the farming community. This is what they wanted. They did not want collection agencies going after them.

In addition to that, the federal government has said they're going to suspend the requirement to pay interest until December of this year, while the province of Ontario has not charged, does not now intend to nor will it charge interest on those overpayments. So we believe, as the farmers in Ontario believe, that they have negotiated a reasonable agreement. If the honourable member wants to call my office and ask for a briefing on this, we would be very happy to provide it. We would have provided it to you before today so that you would have



had this information. When it comes to a level playing field, we believe the way we are working with farmers in Ontario is—

**The Speaker:** Thank you. New question?

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#### ENVIRONMENTAL PROTECTION

**Mr. Peter Kormos (Niagara Centre):** A question to the Minister of the Environment: Minister, you know about the growing and unregulated sludge dumped on agricultural land on Church Street in Fenwick. Your ministry hasn't tested the sludge, your ministry hasn't performed hydrological monitoring, both of which were recommended by your expert panel that reported to you 18 months ago. Mayor Leavens of Pelham and folks down there want to meet with you. They're concerned about their environment. When are you going to meet with Pelham's mayor and concerned residents?

**Hon. Laurel C. Broten (Minister of the Environment):** I appreciate my friend opposite's advocacy on behalf of his community. Let me share with this Legislature a little bit about the good work the Ministry of the Environment is doing as they continue to work with the folks in this community. The ministry staff have inspected the site 12 times since the beginning of May 2006, including once in the late evening and another time in the early morning, because we hear different information with respect to issues at different times of day. The inspection on June 6 confirmed that the owner took steps to ensure surface water from the site was not migrating off the site. The ministry staff confirmed odour off-site on June 5 and instructed the owner on June 6 to undertake measures to address the matter. The ministry staff are continuing to and will continue to respond to the public concerns and monitor the site regularly.

**Mr. Kormos:** Minister, a drive-by does not constitute an inspection. The sludge mountain is growing on a daily basis. Your expert panel identified this as high-risk material that should be subject at least to a certificate of approval. You're sitting on your hands while the folks down in Pelham and Fenwick are scared to all get-out about their environment, their health, their water and your lack of action. Time is of the essence. The question, Minister: Please, when will you meet with Mayor Leavens and concerned citizens? When will you meet with them?

**Hon. Ms. Broten:** As I said to my friend, ministry officials are active, and actively meeting with that community to address this very serious issue. At the same time, the ministry is reviewing and examining the expert panel very closely to determine how best to implement the recommendations from that expert panel. We know this regulation has been in place for a lengthy period of time and it is important that we review the science behind it, that we work hard, and in light of the panel's recommendations, that we bring forward comments and concerns from the community. We care very much about the community in Pelham, and folks in my office are working very closely with that community. We look forward

to tackling this challenge together with the community of Pelham.

#### NIPISSING UNIVERSITY

**Ms. Monique M. Smith (Nipissing):** My question is to the Minister of Training, Colleges and Universities. Yesterday the member for Burlington made claims in this legislature that Nipissing University is reneging on offers to students accepted to the teaching program. As the member of provincial Parliament representing the riding of Nipissing, I'm very proud of Nipissing University and the quality education it provides to students from across the province and across Canada. Its faculty of education is particularly renowned and very popular. The graduates of this program are sought after by boards of education across the province, and in fact across the country.

The member for Burlington painted a very negative picture of Nipissing University. This is a university that was recently acknowledged by Maclean's magazine in their university student edition as the number one university in student satisfaction in overall quality of education, and fully 85% of graduates surveyed responded that they would recommend Nipissing University to their friends or family. Minister, can you provide some detail around the issue of acceptances to Nipissing University's faculty of education program?

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** I think the member from Nipissing is right to be proud of Nipissing University. They provide an excellent education.

I think what the member from Burlington appeared to suggest yesterday was unfortunate. What happens in an application process is simply this: Universities send out a lot of applications and they know they won't get back as many confirmed acceptances. What happened in this particular year is precisely because of Nipissing's reputation. More students accepted a place in Nipissing's education program than have in the past, so they had an excess. Nipissing has confirmed with us that they will be providing a spot in their education program to every single student who wishes to take it. They reminded the students that they also have an education program in Brantford—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**M<sup>me</sup> Smith:** Comme vous le savez, l'éducation est très importante pour notre gouvernement.

Teaching is an important profession that's very well respected. I of course am very proud that so many students want to pursue this rewarding career at Nipissing University.

Yesterday in the House, you referred to the fact that our government is continuing to fund an additional 1,000 spaces for students wishing to become teachers in our province. Can you tell us more about this funding and how it will help our government achieve its commitment to improving education throughout the province?



**Hon. Mr. Bentley:** I'd be happy to. Several years ago, it was identified that we would need extra teachers to implement programs such as the program of the McGuinty government and the Minister of Education to reduce class sizes in the lower grades. We have been funding an extra 1,000 teachers for each of the last three years, and this will continue this September. Nipissing is one of the beneficiaries of that extra funding. That is a demonstration of our commitment to ensure that we have enough teachers.

I want to say a few more things about Nipissing University. Nipissing also has a teacher education program at Brantford. They've had that for years; in fact, since 2002. What they have offered to students who live closer to Brantford is that they can get their teacher education closer to home, saving them money, with just as good an education. It's a win for students and a win for the university. It's a good-news story all around.

### ELECTRICITY SUPPLY

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** My question is for the Minister of Energy. After doing nothing with regard to installing emission controls on our coal-fired power plants for three years, we now hear from the Premier that it will take until 2008 for the OEB to approve your integrated power supply plan. Minister, have you ordered Ontario Power Generation to immediately begin to install emission control systems, or will you turn your back on the environment just as you turned your back on the supply situation in this province for three years?

**Hon. Dwight Duncan (Minister of Energy):** The orders were very clear. We've asked the power authority, first of all, to give us recommendations on an orderly removal of coal. We continue to not believe in clean coal. We believe that coal-fired generation should be replaced in as predictable a time as possible. So that order is very clear and very direct.

I'd also point out that I don't believe the Premier said that the report would come back in 2008; it's a little difficult to predict that. What I have said is that we believe it will come back possibly in late 2007, but again, they haven't had a particularly good record in getting the facts accurately or properly.

I would suggest that we all ought to be committed to cleaning up the environment. I would suggest that it's highly appropriate. The orders we directed the OPA to—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Yakabuski:** In anticipation of your diatribe in your supplementary, I'm going to get ahead of you and let you know what you haven't done about emissions in this province.

You're going to talk about Lakeview, which was closed by Elizabeth Witmer, by order: "On April 30, 2005, it must stop burning coal." Elizabeth Witmer ordered that, not you. You had to follow the law or you would have had to change the law.

You're going to talk about emission reductions, which you have done nothing about in this province. All the emission reductions in this province have been as a result of the closure of Lakeview, or OPG doing their due diligence and seeking the best efficiencies to operate those power plants.

**1540**

Minister, for three years you did nothing to deal with the smog-contributing components of coal emissions in this province. Are you telling the people that that is exactly what you'll be doing in the future?

**Hon. Mr. Duncan:** That's an interesting little story. The one thing the Tories forgot when they ordered the closure of Lakeview was to do the transmission work that had to be done to accommodate it. So it was phony, absolutely phony.

Here's what the Tories did on coal-fired generation: nitrous oxide, from 1995 to 2003, a 25% increase. What happened under the Dalton McGuinty Liberal government with nitrous oxide? Nitrous oxide was down. CO<sub>2</sub>: a 56% increase under the Tories, and a 15% decrease under McGuinty.

In short, everything that should have been up under the Tories was down; everything that should have been down was up.

Everything with the Liberals that should be up is up, and everything that should be down is down—

**The Speaker:** Thank you.

*Interjections.*

**The Speaker:** Order. It is now time for petitions.

### PETITIONS

#### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. John O'Toole (Durham):** I'm pleased to present a petition on behalf of my constituents in the riding of Durham.

"To the Legislative Assembly of Ontario:

"Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

"Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

"Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

"We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community."



I often think of the community nursing home in Millbrook and my mother-in-law, Madge Hall. I'm pleased to present this to Daniel.

### CHILD PROTECTION

**Ms. Andrea Horwath (Hamilton East):** This petition is to the Legislative Assembly of Ontario.

"Whereas the Ontario Association of Children's Aid Societies (OACAS) predicted that by March 31, 2005, 53 children's aid societies throughout the province of Ontario will have served approximately 31,000 children and their families who are not protected under the jurisdiction of Ontario's Ombudsman; and

"Whereas clients of children's aid societies often feel intimidated from completing complaints procedures out of fear of being labelled by child protection professionals as 'uncooperative' or 'mentally unstable,' putting access to their families at risk; and

"Whereas a report titled *Voices from Within: Youth Speak Out*, written by the Office of Child and Family Service Advocacy, states that 'complaint processes in place through legislated requirements appear to have a built-in bias in favour of the caregiver' and where the report goes on to state that 'often, each step up the complaints ladder seems to simply legitimize the decision made by the person previously reviewing the complaint. There is a lack of independence and impartiality in reviewing complaints. Using the advocate to facilitate a more unbiased review is often discouraged by staff'; and

"Whereas, on August 27, 1992, the standing committee on the Ombudsman heard from the Ontario Association of Children's Aid Societies that, in their opinion, the jurisdiction of the Ombudsman should not include their own member children's aid societies; and

"Whereas on November 4, 1992, the standing committee on the Ombudsman heard from the Ontario Public Service Employees Union (OPSEU), which at the time had a membership of 105,000, which supported the inclusion of children's aid societies within the Ombudsman's jurisdiction to help expose compromising gaps within child welfare services; and

"Whereas in 1988 and 1992, when reviews of the Ombudsman's jurisdiction over children's aid societies were previously conducted, no non-professional members of the public presented their opinion on this issue compared to today, where the general public have much greater access to notices of committee hearings through the increased use of Internet and e-mail, further enabling them to participate in such hearings;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario enact legislation giving the Ontario Ombudsman's office jurisdiction over all of Ontario's children's aid societies who are licensed under the Ontario Ministry of Children and Youth Services to provide child protection services in order to ensure that the most vulnerable citizens of Ontario are better protected through an external, non-biased complaint review process."

I send it to the table via Hartford, the page.

### WORKPLACE SAFETY

**Mr. David Zimmer (Willowdale):** I have a petition on behalf of a number of my constituents in Willowdale. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas we are concerned with the lack of workplace safety and protection for workers in Ontario,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To review and amend the specifications of the Workplace Safety and Insurance Act to make it mandatory for all employers in Ontario to participate in and contribute to the Workplace Safety and Insurance Board."

I support this petition, I affix my signature and I deliver it to page Evan.

### SCHOOL FACILITIES

**Mr. Jim Wilson (Simcoe-Grey):** I want to thank Milva Biffis and Gaynor MacLeary for sending me this petition.

"To the Legislative Assembly of Ontario:

"Whereas the parents of St. Paul's elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

"Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul's elementary school; and

"Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

"Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Education immediately deem St. Paul's elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul's can be educated in a facility that is secure and offers them the respect and dignity that they deserve."

I went to St. Paul's from kindergarten to grade 8, and my mother taught at this school for 33 years. I obviously agree with the petition.

### FAIR ACCESS TO PROFESSIONS

**Mr. Jeff Leal (Peterborough):** I have a petition today in support of the Honourable Minister Mike Colle in his role as Minister of Citizenship and Immigration.



"In Support of Skilled Immigrants—Bill 124

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I support this petition and will affix my name to it.

#### RECYCLING

**Mr. Ernie Hardeman (Oxford):** I have a petition here to the Legislative Assembly of Ontario signed by a great number of good folks in the province of Ontario.

"Whereas waste from Ontario public schools that could otherwise be recyclable is contributing to increased landfill sites; and

"Whereas diverting waste is critical to sustaining a healthy environment now and in the future; and

"Whereas there is a need to encourage recycling initiatives in all schools; and

"Whereas the private member's bill proposed by the geography club from Georgetown District High School under Making the Grade will require all Ontario school boards to have two recycling bins in each classroom, one for paper and one for drinking containers. As well, cafeterias must have adequate recycling containers outlining items acceptable to be recycled;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass the private member's bill that will amend the Ontario school boards education act to divert waste from Ontario high school classrooms and cafeterias."

I affix my signature, as I agree with the petition.

1550

#### ENERGY SUPPLY

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Legislative Assembly of Ontario. It was contributed by Sonny Sansone of Scarborough, certainly one of the most prolific of petition contributors, for which we thank him. It's also mercifully brief. It reads as follows:

"Whereas in the past, the McGuinty government has committed itself to the protection of the environment and to creating a culture of conservation;

"Whereas energy prices continue to rise on the international market making it difficult and costly for Ontario's citizens to continue their daily lives and work;

"Whereas energy prices will continue to rise as non-renewable sources of energy become less abundant;

"We, the undersigned, therefore encourage the" Ontario "government to continue to invest in energy sources for the future that will be renewable, cleaner for a healthier environment, and less costly for Ontario's citizens."

Who could disagree with that? I'll ask page Tyler to carry it for me.

#### RECYCLING

**Mr. John O'Toole (Durham):** I'm pleased to present a petition to the Legislative Assembly of Ontario on behalf of my constituents in the riding of Durham. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas waste from Ontario public schools that could otherwise be recycled is contributing to increased landfill sites; and

"Whereas diverting waste is critical to sustaining a healthy environment now and in the future; and

"Whereas there is a need to encourage recycling initiatives in all schools; and

"Whereas the private member's bill proposed by the geography club from Georgetown District High School under Making the Grade will require all Ontario school boards to have two recycling bins in each classroom, one for paper and one for drinking containers. As well, cafeterias must have adequate recycling containers outlining items acceptable to be recycled"—sounds like a lot of bureaucracy—

"We, the undersigned, petition the Legislative Assembly of Ontario to pass the private member's bill that will amend the Ontario school boards education act to divert waste from Ontario high school classrooms and cafeterias."

I'm pleased to sign this petition and present it to the Legislative Assembly, and to Clarence, one of the pages here.

#### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** This petition speaks to a very important issue: identity theft. It reads as follows:

"To the Parliament of Ontario and the Minister of Government Services:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;



"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating;

"Therefore we, the undersigned, demand that Bill 38, which passed unanimously on November 30, 2005, be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated," that is, "(masked-out) form, protecting our vital private information, such as SIN and loan account numbers.

"(2) Should a consumer reporting agency discover that there has been an unlawful disclosure of consumer information, the agency should immediately inform the affected consumer.

"(3) The consumer reporting agency shall only report credit-inquiry records resulting from actual applications for credit or increase of credit, except in a report given to the consumer.

"(4) The consumer reporting agency shall investigate disputed information within 30 days and correct, supplement or automatically delete any information found unconfirmed, incomplete or inaccurate."

Since I agree 100% with this petition, I am delighted to sign it.

#### LONG-TERM CARE

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** "To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

These petitions have been brought to me by many family councils and long-term-care residents in the riding of Haliburton–Victoria–Brock, and I thank them for that.

#### ACCESS TO HEALTH CARE

**Mr. Tony Ruprecht (Davenport):** I have one more petition today. It's addressed to the Legislative Assembly of Ontario and it reads as follows:

"Whereas the people of Ontario deserve a universal, high-quality public health care system; and

"Whereas numerous studies have shown that the best health care is that which is delivered close to home; and

"Whereas the McGuinty government is working to increase Ontarians' access to family doctors through the introduction of family health teams that allow doctors to serve their communities more effectively; and

"Whereas the McGuinty government has fulfilled its promise to create new family health teams to bring more doctors to more Ontario families;

"We, the undersigned, petition the Legislative Assembly of Ontario to support the McGuinty government's efforts to improve access to family doctors through innovative programs like family health teams."

I support this petition, and I am delighted to sign it. I'm going to give it to Evan to present to you.

#### RECYCLING

**Mr. John O'Toole (Durham):** It's a pleasure to be able to present as many petitions as I have today, and it's fortunate that I have them to present. This one reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas waste from Ontario public schools that could otherwise be recyclable is contributing to increased landfill sites; and

"Whereas diverting waste is critical to sustaining a healthy environment now and in the future; and

"Whereas there is a need to encourage recycling initiatives in all schools; and

"Whereas the private member's bill proposed by the geography club from Georgetown District High School under Making the Grade will require all Ontario school boards to have two recycling bins in each classroom, one for paper and one for drinking containers. As well, cafeterias must have adequate recycling containers outlining items acceptable to be recycled;

"We, the undersigned, petition the Legislative Assembly of Ontario to pass the private member's bill that will amend the Ontario school boards education act to divert waste from Ontario high school classrooms and cafeterias."

I'm pleased to sign this and present it to Madeleine, one of the pages who will be leaving here tomorrow and will return to her school in the riding of Haldimand–Norfolk–Brant.



**ORDERS OF THE DAY****EDUCATION STATUTE LAW  
AMENDMENT ACT  
(LEARNING TO AGE 18), 2006****LOI DE 2006 MODIFIANT DES LOIS  
EN CE QUI CONCERNE L'ÉDUCATION  
(APPRENTISSAGE JUSQU'À L'ÂGE  
DE 18 ANS)**

Resuming the debate adjourned on June 13, 2006, on the motion for second reading of Bill 52, An Act to amend the Education Act respecting pupil learning to the age of 18 and equivalent learning and to make complementary amendments to the Highway Traffic Act / *Projet de loi 52, Loi modifiant la Loi sur l'éducation concernant l'apprentissage des élèves jusqu'à l'âge de 18 ans et l'apprentissage équivalent et apportant des modifications complémentaires au Code de la route.*

**The Acting Speaker (Mr. Michael Prue):** I understand the last debater was finished on the last occasion. So, new debate, the member from Durham.

**Mr. John O'Toole (Durham):** It is indeed a pleasure to have the opportunity to speak on Bill 52. Just for those listening, this bill is in I believe third reading, and this will be 10 minutes. We're getting close to the end of this session.

Bill 52 is a bill that I feel in its general sense has good intentions, but it's an administrative thing. Some of the education experts and professionals I've spoken to in my riding believe that there may be some implementation problems, and I will attribute those names. But for the viewer today, Bill 52 was introduced by then-Minister of Education Gerard Kennedy on December 13, 2005. We're getting close to the end of this session, and I think it indicates that the House leaders as well as the McGuinty government just aren't sure what to do with this bill.

**1600**

That leads me to bring forward a few ideas or concerns that need to be addressed. For the viewer, it's An Act to amend the Education Act respecting pupil learning to the age of 18 and equivalent learning and to make complementary amendments to the Highway Traffic Act. That's quite a unique combination—the Highway Traffic Act as part of an amendment to accommodate education reform—but that says a lot about this bill and its approach, trying to force children to stay in school. That means first admitting that the current traditional school system doesn't meet the needs—some would use the word “failed”—of some students in the public education system. That's a very strong and important admission.

I had the privilege recently to speak to the new incoming, now installed, president of Durham College, part of the University of Ontario Institute of Technology, a great leader. In fact, she was very involved in the Rae

report on post-secondary reform. She's now the new president of Durham College. In speaking to her, they're quite willing and ready to play a role in providing this badly needed service of a formal education process for staying in school to 18. The problem, as I understand it, is that the money flows with the student, and if it's an elementary or secondary student we're talking about, the money flows through the school board. As such, the money would have to be transferred, as allocated—the per pupil grant and other grants that go with that student—to the college or university. The grants for the secondary student are lower than the grants to a post-secondary student, that is, a student in the college or university system, the provincial grant that's following them. So they need to iron out some of those transitions to make the appropriate learning spaces.

I look at some of the successes in our colleges and other places—alternative learning—for students who may not be enthusiastic about the traditional secondary school learning environment and who need the stimulus of alternative choices.

It comes to mind that if I look at the skills training centre, part of Durham College at Whitby, the program I have witnessed to be very successful there is what is referred to as the Ontario youth apprenticeship program, OYAP. I was there at the first graduating class, and then-Minister of Education John Snobelen, who is himself an interesting fellow. In that graduation of the Ontario youth apprenticeship program were high school students who were actually getting credits attending a college-type environment. I think that's a good illustration of what can happen if you allow imagination and innovation to prevail, providing these opportunities for students.

But it fails to address some of the issues as well, and these need to be put on the record. I think of the bureaucracy that under a Liberal government could be created for the attendance monitors and the bureaucrats that might be highly paid people monitoring this keeping of the kids in schools. I wonder how the Toronto board of education would deal with this. It would probably hire another superintendent at \$130,000 or \$150,000 a year to look after several people who would be doing this program, taking more money out of the students' pockets, so to speak.

It is going to burden employers who may find that they have inadvertently broken the rules by giving a part-time job to a young person. How sad; bureaucracy run amok. The learning-to-age-18 law doesn't recognize that there are many exceptional reasons why young people are not in school even though they are under 18.

For example, they may need to be at the family farm or the family business at certain times. I think these are personal decisions. We have to remember that, to be fair, 18-year-olds are able to make other decisions sometimes, their families are working with them on careers and career choices—time-outs, if you will—if things aren't going that well at home or in other situations. They may be facing illness; they may have an injury from an accident or other emotional situations that could be affecting



their ability to attend school. We can't micromanage people's lives.

As I said initially, I would not find fault with the intent, being the parent of five children, all of whom are certainly over 18; I dare not say how old because it will disclose how old I am, which might date me.

They may have completed their first steps of home-schooling, independent study, using mentorship activities to write a correspondence type of program. At the same time, they may need to have access to a car and, not being in school, a licence to drive to get to some of these other alternatives, certainly in my riding of Durham and in other parts of Ontario.

It seems to me that this was written by some kind of bureaucrat of a nanny state who lives in an urban area. Those who write this stuff must all live in Toronto. They have no idea what's happening in northern and rural Ontario, and that disappoints me. They think that one size fits all. As I said, it's well intended, but the administrative part of it leaves me somewhat wondering. The bill does not recognize the fact that travelling by car is necessary in rural and northern communities, and, as I have said, the one-size-fits-all mentality is rampant throughout the bill. There will be an attendance and enforcement bureaucracy, as I have said, and we're not sure of the cost of that.

I would like to pay tribute to the hard work of the boards in my riding, especially at this time as they're doing their final report cards as well as winding up the school year. At the top of that list, of course, would be my wife, Peggy. My wife, Peggy, and I were at her retirement dinner, in fact, this past Friday. The Ontario English Catholic separate school trustees' association, or the separate school—

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** OECTA.

**Mr. O'Toole:** OECTA, yes. They had a reception, and it was very much enjoyed by some of her peers and friends. It was a very, very nice event technically. We were there, our son Andrew was there, and friends of hers from school were there.

I'd also like to pay tribute to the work done by the trustees in my area: Nancy Coffin and Cathy Abraham, trustees with the Kawartha Pine Ridge District School Board; and George Ashe and Granville Anderson, trustees with the Peterborough Victoria Northumberland and Clarington Catholic District School Board. As some may recall, George Ashe himself was a former cabinet minister who served in this very Legislature, representing the riding of Durham West from 1977 to 1987. I'd also like to thank Joe Corey and Frederick Jones of the city of Oshawa and Kathy LeFort from the townships of Brock, Scugog and Uxbridge, who serve on the Catholic district school board of Durham; Steve Martin, who's the trustee from the Scugog district school board; and, as I said, many of the teachers that are retiring this year and moving on to careers in volunteerism, for instance, and other alternatives.

At the end of the day, this Bill 52 is about students. To some extent, it fails to recognize that and tries to force

this one-size-fits-all on some students. I'd be happy to look at some of the innovative approaches of independent learning, career learning, skills learning. That's the future. There's more to be done on this bill, and that's why I feel that Bill 52, in its currently drafted format, fails to make the grade.

This government is going to have to force this bill through, as far as I'm concerned, because it just doesn't give the boards and the post-secondary facilities the resources they need—and the private sector could provide some of the skills training. That private sector could be the unions, which have training facilities that are able to provide skilled trades, whether it's electricians, plumbers, pipefitters or workers in the energy sector, which is one of the shortage sectors. So maybe there's not enough direction in this bill.

Certainly the punitive action of suspending licences for children not in attendance at school sets the wrong tone completely, so for that reason, if nothing else, I'll have some difficulty trying to support this bill when I think of the great work done in my riding of Durham by the people I've mentioned here today, especially my wife, Peggy, who is retiring as of next Friday, I believe. Anyway, with that—

**Mr. Jeff Leal (Peterborough):** She's a good teacher.

**Mr. O'Toole:** Yes, she is a very good teacher.

**The Acting Speaker:** Questions and comments?

**Mr. Bob Delaney (Mississauga West):** It's always enjoyable to follow the member from Durham in the speaking order. I've gotten to know the member, and he and his party, of course, have never seen a plan to improve public education that they didn't want to oppose. But there comes the dichotomy, because Ontarians innately believe in public education. Ontario was the first place in the world to make public education not merely a privilege, not merely a right, but in fact an obligation.

**1610**

Ontario's employers know that tomorrow's employees have to keep pace with the field that they are in, be it in construction or in academia. Whether they work with their minds or with their hands, in tomorrow's world, learning is everything. The best time to learn how to learn, the best time to absorb the good habits that make up lifelong learning, is when you're young. That's why this bill says you've got to keep learning until you are 18.

But learning doesn't mean sitting in high school. Learning doesn't necessarily mean sitting in a classroom. Learning is synonymous with such things as private sector initiatives, such as apprenticeships, such as training courses, things that could be provided in a number of non-traditional settings. Bill 52 recognizes that one size doesn't fit all. That's why it gives students so much choice in the manner in which they continue to learn.

One last point that the member brought up had to do with whether or not the suspension of drivers' licences for students who wouldn't learn was effective. It already works in Massachusetts, which is one of the best of the jurisdictions for learning in North America. It already works in California and, for heaven's sake, it also works



in Tennessee and West Virginia. This is a bill that takes some of the best practices accumulated in education across North America and brings them home to Ontario. It's a good idea.

**Mr. Gerry Martiniuk (Cambridge):** I'm pleased to comment on the discussion of Bill 52. I must say that I think everybody would like our youth and our children to go to school as long as possible to fulfill their potential. However, I have my doubts as to whether this bill will result in any further learning by individuals who are not motivated in that manner.

You can't force a person to learn. Keeping them in school is one thing, but one has to look at the effect on the other students. There are many students, the vast majority, who are there with an urgency to learn, to fulfill their curiosity in life. If there are those, however, who are there on the basis of force, in effect, because if they don't show up they can't drive an automobile and are subject to fines, what type of effect will they have on the learning environment in a classroom? I think it will be disastrous.

On that basis, I am always concerned with the unintended consequences of legislation that superficially seems to accomplish its goals. Its aims are laudable. As I said, I have no complaint. I would like our children to go, not to 18, to any age to fulfill their total potential. But I am concerned about the ill effect on the learning atmosphere in classrooms.

**The Acting Speaker:** Further questions and comments? The Minister of Mines and—

**Hon. Mr. Bartolucci:** Northern Development and Mines.

**The Acting Speaker:** —Northern Development.

**Hon. Mr. Bartolucci:** That's okay, Speaker; you forgot about it when you were in power as well.

Anyway, I want to comment on the speech from the member of Durham to say I fundamentally disagree with what he said. However, having said that, I want to outline a few of the reasons I disagree. It is very, very important that we learn to 18. In fact it's very, very important that we believe in lifelong learning. Lifelong learning maximizes opportunity and does everything possible to ensure that we always get the best out of our society.

I want to talk about learning to 18 for a second because I want to use a couple of examples. Learning to 18 doesn't mean that it has to be traditional learning. Learning to 18 can mean that we have varying circumstances when and how students can learn.

I want to highlight the example I saw just recently. It is a partnership between Confederation College, Weyerhaeuser and the union. What they're doing is skills development. It isn't clearly skills development to age 18 and beyond, but what it does is maximize potential, and this is what this bill does. We all know in this House—every one of us agrees that each individual is an island unto himself or herself and that from that individual we can maximize the potential of the province of Ontario and the country of Canada.

In conclusion, I want to ask the member to convey my regards to his wife, Peggy, on her retirement. Peggy has

been a long-time teacher. She was a very effective teacher, no doubt. We wish her a very happy and healthy retirement.

**The Acting Speaker:** Further questions and comments? Seeing none, the member for Durham.

**Mr. O'Toole:** I'm very pleased that the members from Mississauga West and Cambridge, as well as the Minister of Northern Development and Mines—particularly his comments are relative because he was a professional teacher for a number of years. I have the greatest respect for that. Your views, I think, were quite appropriate.

In fact, we started out by saying that on this file, learning to 18—we do live in a knowledge-based economy. As such, there's an important signal to be sent to young people that knowledge is going to be an important requirement—skills specifically—in an economy that's digital, wired and information-based, and exponentially growing so that you're going to have to keep track. Literacy and numeracy have been a focus of many governments ever since the Royal Commission on Learning. I suppose that was the fundamental of making sure that people have certain standards, and educators—even the curriculum rewrites and reviews, which should be an ongoing thing because of changing information, changing knowledge.

What tools can be used both in the classroom and in a testing mode? How do we prepare people for the new worlds of work, and relationships and expectations in the world of work?

This bill sends a correct signal, but it doesn't provide the appropriate framework. As I said, it starts with that punitive thing. If you're not conforming, you're going to lose your licence. Well, that doesn't address the needs of Renfrew–Nipissing–Pembroke or Brockville or Bowmanville or Clarington. To me, I think that's what's missing.

I would only say that it also needs to make sure that home-based schooling, alternative parent choice models are fully integrated into the Minister of Education's plans for the future. One size does not fit all. This bill certainly doesn't go in the right direction.

**The Acting Speaker:** Further debate? The member from—just hold on—Renfrew–Nipissing–Pembroke.

**Mr. John Yakubuski (Renfrew–Nipissing–Pembroke):** I actually border on a very small portion of the riding where your fine parents, who recently celebrated their 60th anniversary, reside. Thank you again, Mr. Speaker, for recognizing me. Sometimes that's difficult to get, in this chamber.

It's my pleasure to speak to Bill 52 today. My objections are exactly the same objections that were raised by my colleague from Durham and other members of our caucus. We object to the notion that in the province of Ontario in 2006, the McGuinty government seems to feel that it is not only their privilege but their duty to somehow engage in social engineering to the nth degree. So they brought in this law that they're going to keep you in school, by law, until you're 18 years of age or else



you're going to pay the price, such as not being able to get a driver's licence or losing the driver's licence you already have. And if an employer offers you employment, they're in trouble too.

1620

Again, being very repetitive—maybe I could get a cup of water there, please; thank you very much—we all agree, without any hesitation, without any reservation, that you're going to be far better off if you stay in school longer, as opposed to leaving school earlier. There's no question of that. You're going to be a lot better off if you drive safely. You're going to be a lot better off if you don't drink excessively. You're going to be better off if you don't smoke. You're going to be better off if you exercise and stay in good physical shape, because a strong body means a strong mind. But if you don't exercise, we will not take away your driver's licence. Even though, if you become unhealthy due to lack of activity, you could be a drain on our health system, we're not taking away your driver's licence if you make that choice because—do you know what?—this is Ontario, and you have a choice.

I guess the big concern is: What does this government really expect to achieve by that? They talk about massive changes and massive improvements. The record in the province of New Brunswick would indicate otherwise. They brought in mandatory staying until age 18 some five years ago or so, and they've seen no improvement with regard to the dropout rate in New Brunswick because it's not enforced. In 20-some states, or a large number of states that have laws to that effect, they have seen an increase in the length of time that people stay in school of about six weeks—not two years; six weeks.

Given the fact that this government has brought in all kinds of laws such as pit bull legislation and all kinds of ideas like that but they haven't put any money on the table to ensure that they're enforced, I think we can expect that the same thing would apply to this law. However, in those rare cases that they do enforce it, it will be discriminatory at best, because it will not be level and it will not be even. So someone will pay the price. Someone will lose a driver's licence and it'll be hailed as some kind of a great example of McGuinty's social engineering and how we've got teeth in our law. But for the most part, it won't happen.

Why it should not happen is because we do have choices. There are some people, particularly in rural areas like where I live—those choices they make: They don't intend to go to university; they don't intend to head to the city to get a high-paying job. They like that rural way of life. They're going to stay there, and they want the simple, uncomplicated life that their parents led, that they may choose to lead as well. I'm not suggesting that they're going to be as economically advantaged as they might otherwise be, but that is their choice. If they're content to live a frugal life and they feel that they can provide that with the employment that they can get prior to the age of 18, then it is their decision to make that choice. I wouldn't agree with it, I wouldn't be making

that choice, and I can assure you that my children won't be making that choice. However, my children won't be making that choice because I dictate to them; my children won't be making that choice, because they've come to the conclusion that an education, for them, is important. They know that their lives will be better the longer they stay in school and keep learning prior to making that final decision as to what kind of career choice they're going to make.

Again, it comes down to the fact that that will be their choice, and they will make that choice. We've already had many discussions with them about what some of their choices might be, and they've clearly indicated they will not be dropping out of school prior to graduation.

I'm just reading an editorial about this law in the *Globe and Mail*. It basically says that the Premier is engaging in his usual antics of social engineering, which he loves to do. He kind of has this idea that he can basically do the thinking for people in the province of Ontario. He's done a great job of it: He thought he could shut down coal plants in 2007. As a matter of fact, he promised to, unequivocally. He said he would do it by 2007, and then he was clearly shown that he was wrong on that. He won't admit he was wrong on that; he's got a whole new spin. The political spinmeisters have been working overtime trying to salvage the energy minister, who is treading water; the environment minister, who is sinking like a stone; and the Premier himself, who has decided he's simply going to put his head in the sand and hide behind barricades. But their day of reckoning will come as well; no question of that.

A driver's licence is something you earn by showing that you are qualified. You have done the necessary training, passed the necessary tests and indicated to those who are qualified to make the determination that you are fit to drive on the highways of Ontario. The way you should lose that driver's licence is if you have shown, by the practices you have chosen to engage in while driving or as a driver, that you no longer have the right or no longer should have the privilege of driving in the province of Ontario because you no longer qualify under the required terms in order to have a driver's licence. That should be the sole determinant of whether or not you are licensed to drive in the province of Ontario, not whether you're in school.

The McGuinty government talks about some fluffy, very non-detailed things about what they're going to provide or what options you might have, but they're just "mays" and "maybes." There's nothing definitive there at all. If people are going to be faced with huge fines, employers with huge fines, parents with fines, children with losing their driver's licence, which they worked so hard to get, and earned by being safe on the roads and practising safe driving methods—that they should lose that because they don't fit the McGuinty mould of the new Aryan race in Ontario with regard to the social engineering they would like to fit everybody into is, I think, absolutely unfair and wrong.

**The Acting Speaker:** Questions and comments?



**Mr. Peter Tabuns (Toronto–Danforth):** I've had an opportunity, and it was a pleasure, to speak to this bill on a previous round of discussion. I found before that this bill was disturbing. I know that the intent, on the part of some who put it forward, is probably good. But I cannot see in any way, shape or form that withholding a driver's licence from someone who has not completed their secondary education is a productive way to encourage people to learn. It's punitive, and frankly, as has been said before in this House, if someone gets their driver's licence at age 16 or 16 and five months and then quits school, this bill will be of no consequence to them. So there are loopholes in this bill, there's a misguided approach to this issue and frankly, more profoundly, there's the whole question of why kids drop out of school in the first place.

If you look at the bulk of those who drop out of school, they are people who come from households that face profound social or economic problems. These kids don't need to be punished to keep them in school. What they need from the beginning is support for their social lives, for their family lives, so that they have the family resources, the personal resources to stay, to be interested, to have a clear sense of the course of their lives. This bill will not address that.

1630

Recently, I've had to talk to people in my riding who run parent-child centres. They are starving for funds. Parents come to those centres desperate for the kinds of supports that they can give their children, that those centres can give their families, and those centres cannot provide enough support to people. Quite literally, people are running down the street to get to centres before they get filled up. This bill will not correct the fundamental problems we face.

**Mr. Leal:** I listened carefully to the comments of the member for Renfrew–Nipissing–Pembroke. In 2006, you just can't afford to have people dropping out of school in the very globalized, competitive world in which we live when the need to have a skill set is ever-changing and more demanding each and every day. Bill 52, learning to 18, is a key component in having people ready to meet the challenges in today's economy.

For the member for Renfrew–Nipissing–Pembroke to talk about this bill and make a comparison to the Aryan race is a low blow. To think of the worst part of the connotation of that word from a country, Germany, from 1933 to 1945 is one of the lowest comments that I've heard in my two and a half, almost three, years of being in this place. It's absolutely wrong to make that comparison with this particular bill. It's out of character, out of touch and totally unnecessary in this chamber.

When you look at the components of Bill 52—the opportunity to develop a program to keep those kids in a structured setting to acquire those skills to be able to compete—I think that is very important. My wife is a teacher and she knows that there are some students who don't really prosper within the fixed academic environment and they're looking to an alternative—skills train-

ing, an opportunity to learn outside that structured environment—and that's what Bill 52 is all about. I'm very pleased to be able to support it. It's a good step forward, and I think those kids will benefit from the opportunity with an alternative learning program.

**The Acting Speaker:** Further questions and comments? Seeing none, the member for Renfrew–Nipissing–Pembroke has two minutes in which to respond.

**Mr. Yakabuski:** I appreciate the comments from the members for Toronto–Danforth and Peterborough.

One part of the bill that I failed to address—another issue as to why the government shouldn't have this provision in the bill in the first place—clearly indicates what confidence they lack in the programs they institute in our schools. If you really, truly have confidence that what you're offering students in our schools today is positive, interesting and exciting, then you're not going to have the issue of people dropping out of school.

But this government's only action, instead of ensuring that the environment, the curriculum and everything associated with a student's education in Ontario today has the essential components of interest, excitement and enticement, was to make the choice: "Do you know what? That's too challenging for us. We're not going to worry about that kind of stuff. We're going to make it the law that you stay here in school until you're 18 years of age or we're taking away your driver's licence. You don't learn"—believe me, there are places to learn other than school—"if you're not here in school; you don't drive." That's the rule of the McGuinty Liberals in Ontario. It's clearly wrong. It's clearly punitive. It is social engineering. Whether the member for Peterborough likes my particular reference or not, it is still social engineering and they should be ashamed of it.

**The Acting Speaker:** Further debate?

**Mr. Robert W. Runciman (Leeds–Grenville):** These are, as you know, 10-minute rotations, so we don't have an awful lot of time to get our views on the record, but I do want to say that our caucus is very concerned about elements of this legislation. I don't think anyone would disagree with the basic premise of encouraging young people to stay in school and get the best education possible to ensure that they can access opportunities in what is becoming an increasingly complex world. I think we all share that goal and that objective. It's the way you go about achieving it and, as my colleague mentioned, the social engineering involved in this initiative that I think disturbs us. It is punitive and leaves out of this equation a number of important groups. It could seriously damage families, especially in small-town rural Ontario, who could be impacted by initiatives embodied in this legislation.

I want to mention one of the contributions we've made to this process as an opposition party, which is our insistence that the bill go out for public hearings this summer. We also requested that it go into smaller communities in the province, and that has been agreed to by all three House leaders. The communities have not yet been selected. All parties will have an opportunity to



participate in that selection, but it will be in smaller communities. I'm not sure how we define that. I guess that's a discussion that will take place at the subcommittee level, but we feel it's critically important because that's where so many concerns surrounding this legislation are coming from.

I've been sitting down over the past few weeks with representatives of home schooling groups in my riding who have, I think, very significant concerns about the failure to reference home schoolers in this legislation. I know that a lot of people are, shall we say, educrats, who look down on home schooling and don't think it's an appropriate education for many young people. I can only say that the young people I've observed who have gone through home schooling, including my brother's children, have done extremely well. My brother's daughter is entering college this fall. Their son is in second year of university and hopes to go to into engineering at Waterloo when he graduates from the university or college he's attending in the United States right now.

I think they have very valid concerns that they're getting quality education in many of these situations, and there's no recognition of that in this legislation. They have valid concerns about the whole issue of compliance. The board of education is being granted compliance, and we know that boards of education are competing for students now, especially in the public system but also in the separate system. Private schools as well are competing for those students. We see occupancy levels in schools dropping; there's pressure on to close schools. I think there's a valid concern about the objectivity of boards of education having this responsibility to ensure compliance. Also, by failing to recognize compliance, they have the power ultimately, I guess, to deny the driver's licence to that individual.

Again, I think this is all reflective of the lack of consultation and consideration of small-town rural Ontario by the McGuinty Liberal government, and we've seen it time and time again. I've raised it in this House, others have as well, the failure of their members who represent small-town rural Ontario to speak up on behalf of their constituents. I predict that's going to come back to bite them a year from now when we go to the polls.

1640

They are doing the "Yes, ma'am," "No, ma'am," routine here, under the direction of the spinmeisters in the Premier's office who wouldn't know rural Ontario from a cabbage. They've lived in Toronto all of their lives. We see this cabinet dominated by members from the city of Toronto—almost half of the cabinet representing one urban area in the province of Ontario. These are voices who, instead of doing the role they were elected to do, representing the folks who vote for them, who put the money in the bank for their paycheques, are getting direction from the folks sitting under the Speaker's gallery to "Stand up now when we tell you. Sit down now when we tell you," with scripts to read, with the lob ball questions that we see in here.

I know many of the people over there are very, very good people. They're very, very competent people, quali-

fied people who've had significant experience before they came. Here they have to get up, forced by the Premier's office to get up and give these prepared speeches or ask these prepared questions which have been produced by the minister's office—

**Interjection:** They're embarrassing.

**Mr. Runciman:** They are embarrassing. They should be embarrassed. In fact, in many respects they should feel a degree of humiliation, because that's the reality. That's one of the reasons why so many Ontarians—I would say, Canadians—feel so turned off by politics. They look at the Legislative Assembly in Ontario as an example where this sort of thing is going on: "People we vote for, people we elect, do not represent our interests once they get there. They represent the interests of the political masters of their particular political party." When we see that increasing interest in actually voting, they say, "Why the devil should we vote? Why should we bother going out to the polls?" Because they know it's not going to make a difference. These people who get here—and I think we've all been guilty of this—and then do not stand up and fight for what they believe in and what their constituents elected them to fight for: This is an indication of it.

Rural Ontario: If you're representing rural Ontario, you have to be concerned about these restrictions. Someone who is missing school may have very valid reasons that they want to have a part-time job and are not getting to as much school as they may have. This is part and parcel of the history of rural Ontario. What you're going to do is take away the driver's licence from that individual in the family, and that may be critically important in terms of maintaining the economic well-being of that family. There may be health challenges within that family in rural Ontario, and they are no longer going to have a licensed driver, perhaps. That's one possibility, a spectre that has to be raised as a real possibility. There's no consideration for that sort of thing.

The other element of this is fining an employer who hires someone who has dropped out of school or is missing school at a level that has upset someone in the board of education. That employer, believe it or not, could be fined \$1,000 by this government. This is the sort of heavy-handed approach we expect from this Liberal government. We've seen their foot soldiers going out and pouring bleach on egg salad sandwiches, threatening to close down farmers' markets, threatening to close down church dinners. This is the mindset of Liberal McGuinty Ontario. They do not have any understanding and respect for the traditions, the history, the culture of rural small-town Ontario. That's the reality.

**Interjections.**

**Mr. Runciman:** You can get upset about it, but that's the history. That is the history of this government in three years in office. Talk about what's been happening in rural Ontario. Who went in and poured bleach on egg salad sandwiches in Windsor? They're operating under the McGuinty Liberal government, where they can go out and practise social engineering, which you continually



endorse as a government. That's the kind of interventionist government we have in the province of Ontario now. We're talking about a Liberal McGuinty government: tax and spend, tax and spend. And they know best.

**Mr. Richard Patten (Ottawa Centre):** Remember your boot camps that didn't work?

**The Acting Speaker:** The member from Ottawa Centre will come to order. Order, please. There are 38 seconds left on the clock. Please let the debater finish his debate. The member from Leeds–Grenville.

**Mr. Runciman:** We all know that Liberals are big tax-and-spenders, but they're also a party that has this sense of knowing what's best for every average citizen. They know what's best. If it means you can't continue with a church dinner or a potluck dinner to raise money for the folks, that's the sort of—

**Mr. Patten:** That was changed.

**Mr. Runciman:** No, it's been temporarily put on hold because of public heat, because the Toronto Star put it on the front page of the paper. That's why you've put a temporary halt, so you can pass the election. You're playing the people of Ontario once again for dupes, like you did in the last election. You've broken over 50 of your promises and now you're trying to play them for fools once again. They're not going to buy it this time.

**The Acting Speaker:** Questions and comments?

**Mr. Yakabuski:** Boy, I'll tell you, that was something from the member for Leeds–Grenville. We can always expect an enlightening speech from him.

I'm actually not going to speak directly on the bill. I'm going to take this opportunity, in these two minutes, to thank the legislative interns. Today is their last day. I was very fortunate to have one of them, Jon Feairs, in my employ for the last session or portion of this session. What a tremendous benefit that was to me, and I'm going to say, what a great program. I can only speak directly about Jon, but I want to name them all here: Jon Feairs, Jacqueline Locke, Meghan Warby, Brian Wettlaufer, Dan O'Brien, Ana Curic, Nicole Goodman and Marc Peverini. All eight of them—absolutely fantastic. I had a chance to meet them all. I had a chance to talk to them all on different occasions. What a tremendous program, and what a great group of young people we had here this past session.

As I said, today is their last day. They're going to London. They're going to be taking in some sessions at the House of Commons in England, and I think that's going to be a tremendous experience for them.

As a first-timer when it comes to having derived the privilege and the benefits of having one of these interns work in our offices, I just want to give my unequivocal endorsement of this program for the Legislature here in Ontario, and continue to support it and thank each and every one of the sponsors—there are too many to name here—who ensure that this program continues to operate here. I tell you, it's a fantastic program. Every one of the people in this Legislature who have not sought an intern in the past, I encourage them to do so when the next group comes to the Legislature. You will not be dis-

appointed. They're a tremendous group of people—a tremendous program.

**The Acting Speaker:** I allowed that to go through although, technically speaking, it was not referring to the member's speech, but it appeared that there was much unanimity in the House for you to say it. I would remind you that questions and comments should be related to the speech by the member from Leeds–Grenville.

Further questions and comments? Seeing none, the member from Leeds–Grenville.

**Mr. Runciman:** I want to take this opportunity to reference something from an interjection from the member for Ottawa Centre, who talked about the strict discipline camp facility turnaround and said it was a failure. I'd just like you to know that recidivism rates dropped dramatically in that facility. One of the more emotional times I had as the Minister of Correctional Services was a mother coming up to me and embracing me, saying to me personally, "Thank you for saving my son." That's the kind of thing that was, I think, working very successfully, which, for political reasons, the McGuinty Liberal government closed down.

They've also had a very different attitude with respect to young offenders. We're seeing police now who are instructed with a pre-charge diversion. We had a situation, I was told, where a police officer chased a 15-year-old who had stolen a car. They caught him 35 minutes later, and his penalty for that was a warning letter.

Fifty per cent of the young offender beds in this province are now empty, and youth crime is not being reported. That seems to always get the member from Ottawa Centre perturbed. The facts are something quite different from what he tries to put on the record on a regular basis.

I put my views in place earlier with respect to this legislation. I think it's wrong-headed. I think it impacts negatively on rural and small-town Ontario, but that is becoming a trademark feature of this Liberal McGuinty government. They're simply not paying attention. They are in many respects ignoring rural and small-town Ontario. The backbenchers who represent that part of the province are simply not doing their job, not standing up and fighting for the people who put them in this place in the first instance. I think that's being recognized throughout the province and will be acknowledged come October 2007.

1650

**The Acting Speaker:** Further debate? Are there any other members who wish to participate in the debate? Seeing none, and in the absence of the member who moved the motion, on May 31, Ms. Pupatello moved second reading of Bill 52.

Is it the pleasure of the House that the motion carry? I definitely heard some noes.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

There being more than five members, call in the members. There will be a 30-minute bell.



I believe I see the deputy whip approaching. I have here from the deputy whip:

June 21, 2006, to the Speaker of the Legislative Assembly:

"Pursuant to standing order 28(h), I request that the vote on the motion by Minister Papatello for the second reading of Bill 52, An Act to amend the Education Act respecting pupil learning to the age of 18 and equivalent learning and to make complementary amendments to the Highway Traffic Act, be deferred until deferred votes, Thursday, June 22, 2006."

It is signed by Dave Levac, MPP, chief government whip.

That vote will be deferred until tomorrow.

### INCOME TAX AMENDMENT ACT (ONTARIO HOME ELECTRICITY RELIEF), 2006

### LOI DE 2006 MODIFIANT LA LOI DE L'IMPÔT SUR LE REVENU (AIDE AU TITRE DES FACTURES D'ÉLECTRICITÉ RÉSIDENTIELLE DE L'ONTARIO)

Resuming the debate adjourned on June 20, 2006, on the motion for third reading of Bill 117, An Act to amend the Income Tax Act to provide for an Ontario home electricity payment / Projet de loi 117, Loi modifiant la Loi de l'impôt sur le revenu pour prévoir un paiement au titre des factures d'électricité résidentielle de l'Ontario.

**The Acting Speaker (Mr. Michael Prue):** The member who had the floor on the last occasion not being present, we'll go in rotation. Further debate?

**Mr. Howard Hampton (Kenora–Rainy River):** I'm pleased to be able to speak to this bill on third reading. So that people at home know what we're talking about, I want to give a brief explanation of it.

As we all know, the McGuinty government has increased hydro rates for residential consumers by close to 55%. This is after Dalton McGuinty promised to freeze hydro rates. For many people, this has created real financial hardship, and not only that, but when you add up the increase in the hydro rate, plus the increase in transmission rates, plus the increase in distribution rates, plus the debt retirement charge—the debt retirement charge is the cost of paying for those nuclear plants that, even though they were built 30 years ago, haven't been paid for yet—and then you add on the GST and the PST, what most people have discovered is that their hydro bill has actually doubled from what it was a few years ago.

So for many people who may have had a hydro bill of \$80 a month, they're now seeing a hydro bill of \$160 a month. On an annual basis, \$80 a month times 12 months is \$960 a year coming out of people's pockets. At the same time that people have seen their hydro bill go through the roof, their incomes have not increased. Somebody who's trying to make do on social assistance has not had a \$960 increase in their ODSP cheque. Similarly, somebody who's working for minimum wage

has not seen a \$960 increase in their paycheque on an annual basis either.

Keep in mind, it's not just hydro rates that have accelerated through the roof under the McGuinty government. If you live in a city like Toronto and you're trying to use the transit system, transit fares have gone up. Heating: The cost of heating oil or natural gas has gone through the roof, and so have a lot of other fees.

So somebody who's trying to live on a modest income or a low income or fixed-income seniors who are trying to live on a pension have seen their hydro bills escalate through the roof, and many people simply can't afford to pay. We know this by the unprecedented number of people who are having their hydroelectricity disconnected. Just today, we had a number of people here from Kitchenuhmaykoosib Inninuwug First Nation. First Nation communities are seeing a raft of disconnections of people from their hydroelectricity because they simply cannot afford to pay these drastic increases in their hydro bill.

The McGuinty government, because they recognize they're in trouble on this front, has proposed—get this—a \$60 rebate: not \$60 a month, but \$60 for the whole year. You'd only get that \$60 if your income is less than \$14,000 a year. In other words, if you're living below the poverty line—and \$14,000 a year for an individual person is certainly below the poverty line—the McGuinty government says that you'll get a \$60 rebate for the whole year.

What I want people at home to know is that New Democrats, when this went to committee, proposed that this rebate be doubled to \$120; the least we thought we could do would be to double it to \$120. So we proposed doubling it from \$60 a year to \$120 a year. What I want people at home to know is that the members of the McGuinty Liberal government voted against that. A McGuinty government that has increased residential hydro rates by 55%, a McGuinty government that has doubled people's hydro bills, a McGuinty government that is probably hitting low- and modest-income people and seniors living on fixed incomes for an extra \$1,000 a year on their hydro bill, voted against a hydro rebate of only \$120 a year. I want people to know that so that the next time they hear Premier McGuinty giving one of his speeches filled with platitudes about how much he cares about low-income people and how much he feels the pain of people who are struggling on modest incomes, they know that members of the McGuinty government voted against a hydro rebate of just \$120 a year for low- and modest- and fixed-income people. For that, I say, shame; shame on members of the McGuinty government—the same members of the McGuinty government who've given the chief executive officer of Hydro One a half-million-dollar pay increase this year alone.

I just want people to know that. Thank you for the opportunity to speak to this bill.

1700

**The Acting Speaker:** Questions and comments?

**Mr. Peter Tabuns (Toronto–Danforth):** I appreciate the comments that have been made by the leader of our



party, the leader of the NDP. I have to say that I find this bill very hard to believe, very hard to take seriously. We know the burden that high hydro costs put on homeowners. You have to have a reasonable and stable price for electricity, but we have a government that is committed not only to high prices for power but prices that don't need to be set at the level this government is proposing to set them. The reality is that the poorest people in this province are getting a very small rebate in a situation where this government is planning to consistently crank up the cost to invest in nuclear power plants that will be extraordinarily expensive and that have already proved to be extraordinarily expensive.

Anyone who gets a hydro bill will see on that bill a line for debt charges—I've been talking to people; it's \$10 or \$12 a month. "Debt charges" is a very neutral and friendly euphemism. What this is is a dead reactor tax. This is a charge for nuclear reactors that wore out at 25 years, not at 40 years as was promised. In fact, people are paying, in that dead reactor tax, an amount far beyond the amount they're getting back in this rebate, and they're going to continue to get soaked for the dead reactor tax for many, many years to come, because we're talking about \$19 billion to \$20 billion. Having seen that, this government is embarking on yet another nuclear adventure that is guaranteed to destabilize electricity prices in this province.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** I'm pleased to comment on the address by the leader of the third party, the member from Kenora–Rainy River. We're supporting Bill 117, the energy rebate bill, because that's the only vehicle we have to see that these people get some money. But I share the comments of the leader of the third party: It's a very small rebate—\$60—and it declines from that \$14,000 income level to where, at \$23,000, there is nothing. For a family, it begins at \$120 but declines so that if your income is \$35,000, it is nothing. This simply isn't sufficient, given the 55% hydro rate increases this government has foisted on the people since coming to office. That is shameful in itself, after their ironclad promise not to do so.

The other thing is that this could have been accomplished a lot better through tax relief for people and individuals, not the politicization of an energy rebate. It also could have been a credit on their hydro bills. But no, the McGuinty Liberals are going to make sure they get as much political mileage out of this as possible. They want to make sure they send those low-income people a cheque; small as it may be, they want to send them a cheque. But the irony of it is that if your income as a family of six is \$34,000, the cheque is going to be \$10. It's going to cost the civil service and the taxpayers of this province a lot more to write that cheque than the cheque is going to be worth. This is politicking.

We agree that the people need a rebate. They need help from this government, which has foisted on them the highest and greatest tax increases in the history of this province. Yes, they need help, but this is politicking. This is not the way it should be done. Tax relief for the people is what should have been done.

**The Acting Speaker:** Are there any further questions and comments? Seeing none, the leader of the third party.

**Mr. Hampton:** I want to thank my colleagues for their comments. In response, I want to say that I have to agree with my Conservative colleague Mr. Yakabuski. We all see that this is not going to compensate people in any realistic way for the incredible increases in their hydro bills. It is not going to make a great deal of difference to somebody who is struggling on minimum wage and has watched their hydro bill go up by \$1,000 on an annual basis, that they're going to get maybe a \$60 cheque in the mail from the McGuinty government. There's no real compensation here.

I think my Conservative colleague has hit it: This is the McGuinty government mailing out a cheque in the 12 months before an election. This is what they used to call in the good old days, a little bit of vote buying, or an attempt at vote buying. But let me tell you, those same lower-income folks who might get that \$10 cheque from the McGuinty government are not going to forget that it's the McGuinty government who whacked them with a most regressive and unfair health tax, a health tax that increases the provincial income tax. A single mom who's got an income of, say, \$26,000 a year, the McGuinty government increased her provincial income taxes by 25%. Imagine, somebody who is struggling on a very low income, the McGuinty government has increased their income taxes by 25%. Now the McGuinty government thinks that if they send this person a \$5 cheque in the mail in the 12-month run-up to the election, they can be bought. It's not going to happen.

**The Acting Speaker:** Further debate? The member for Toronto–Danforth.

**Mr. Tabuns:** Thank you, Mr. Speaker, I appreciate that. As I said in my questions and comments section, it's very hard to take this bill seriously. It is not an electrical policy. It's a policy that has something to do with sending cheques out to people with "province of Ontario" stamped on the envelope and stamped on the cheque, but in no serious way can be taken as reflective of anything to do with energy policy. We know that in the targeting, this goes to some of the poorest families in Ontario, simply reflecting the reality that those people need help, that they're hard pressed, that they're under tremendous pressure to stabilize their income, stabilize their family situations. Frankly, I don't think any party in this House is going to vote against this. But that doesn't mean that it's not very clear that the purpose of this has everything to do with sending that cheque out with the logo of the province on it and not really touching on energy policy.

However, since it is called an electricity rebate bill, I do want to talk about the policies of this government that are impoverishing these low-income families, that are making their situation far more difficult than it should be, because this government is pursuing a reckless, high-cost strategy for electricity that causes hardship for these families and I think will cause profound hardship to the economy of this province.

If you look at the strategy before us, the reality is that the heart of the strategy is nuclear power. Those people



who are going to get this cheque, as I said in my comments, are probably already paying more than the value of the cheque in what is euphemistically called a debt service charge or debt retirement charge. More accurately, it's a dead nuclear reactor charge. I've talked to a number of people. Their charge comes to about \$10 to \$12 a month. Let's assume that people who have incomes of less than \$14,000 a year are using so little electricity that their charge is actually five bucks a month. So, in one year, the maximum rebate from this program will have been eaten up by this dead reactor tax.

What this whole rephrasing of the nuclear debt allows nuclear salesmen to do is come in and say, "Well, our power is cheap, the cost is stable. You make that large capital investment upfront and then, over time, you've got very well-priced power." But the reality is that this province is stuck with a charge of somewhere in the \$18-billion to \$20-billion range for nuclear power plants that died before their time. When these plants were brought forward, their predicted lifespan was 40 years. All of the calculations around the charge for electricity, around the amount of money to be set aside for waste, were based on that 40-year life span, but the reality is they only lasted 25 years. So the \$20-billion charge that everyone in this Legislature and everyone in this province, every little business, every manufacturer is carrying—they're paying for the profound nuclear mistakes made in this province. And we are about to launch ourselves again into another nuclear adventure. We're going to throw the dice and hope that this time the dice will come up the right way, that we won't get burned. Frankly, I don't see how you can, in conscience, do that.

1710

It's no surprise to me that the Minister of the Environment exempted this project, what the Premier calls a plan, from the Environmental Assessment Act. How would it stand up to scrutiny? How would it stand up to witnesses appearing before a panel charged to find the best course of action for this province? We know it wouldn't stand up. It would be torn apart. The numbers would be presented, the analysis would be put forward, and any fair-minded panel looking at the evidence would have to conclude that a nuclear adventure for Ontario, round two, could only result in very high cost for very poor service.

Instead of a full provincial environmental assessment to allow public scrutiny, what we get instead is a \$60 rebate. I don't think that's a very good deal. I don't think that's a good deal for the people of Ontario. It's certainly not a good deal for the people with low incomes who are paying money now for electrical heating in their homes, who are paying for electric-fired hot water. What they're getting is the shaft, and this rebate is not going to help them the way they need to be helped.

When we think about nuclear power, we think about these concrete costs that are already embodied in the charge we get on our bills, and we think about this dead nuclear reactor tax that's tacked on to the bills, but there are other costs, liabilities that this province has assumed,

that will or may show up on people's tax bills at a later date.

**Risk and liability:** In Canada, there is an act that caps liability for nuclear accidents, and they're capped at \$75 million. So if you have a nuclear reactor that blows out—let's say there's no explosion, but a major accident that causes release of radioactivity—the cap of liability for the operator is \$75 million while the reactor itself is probably going to be in the \$500 million to \$1 billion range, likely higher. The insurance is far smaller than the value of the asset itself.

Look at the United States. They have to cap the liability for reactor accidents as well, but their cap is set at \$13 billion. That's beginning to approach the scale, the scope of costs if you had a major nuclear accident in North America. The liability here, the cap, is \$75 million. So who gets to pick up the tab? If you're watching this show now and you live in Ontario or you have a business in Ontario, if you run a school in Ontario, you will know that the taxpayer will pick up the tab.

We're essentially providing free insurance to the nuclear industry. We're not charging them, but we're on the hook. If things go wrong, it's going to come back on us. People will say, "We, the people, own the nuclear power plants. It makes sense that we self-finance." I'm not aware of a fund out there that's building up to deal with such an accident, but I do know that private companies that go into the nuclear field want to be covered by that cap. When Bruce nuclear was privatized, when British nuclear came in, when private financiers came in, one of the things they did was to go to Ottawa to make sure that the legislation that covered the liability cap extended to all of those who had a hand in that plan, so that if you were a major bank in this country, you didn't have to worry that you were going to blow your brains out and go bankrupt should there be a major nuclear accident. Many people have said to me, "We don't have accidents with Candu reactors. We can't. They're wonderful." I would say to you that people who loan billions of dollars don't assume that these plants are error-proof, they don't assume that they're accident-proof; they very prudently think about their shareholders, they very prudently think about the financial stability of their companies and, believe me, they act to make sure they are covered. They act to make sure that they have that umbrella of liability coverage over top of them so that we the taxpayers are stuck, so that if anything goes wrong, we pick up the tab.

I asked the Premier a month ago or so if he could guarantee that there would be no nuclear accidents. For anyone who's been in this House and listened to question period, they'll know the routine quite well: We were reminded of the virtues of Candu reactors; we were told that was scaremongering; we were told that we were safe, that only Soviet reactors have problems—not mentioning Three Mile Island. So we should assume that we are carrying a large liability, and should that liability ever come due, should the dice ever roll the wrong way, the people in this province who got their \$60, their \$40 or



their \$10 or \$20 will, like all the rest of us, be stuck with a very substantial cost. I'll take the American number: \$13 billion. Well, we're already covering \$19 billion to \$20 billion on our electricity bills. That is very large.

We're also covering the cost of waste. We put aside about \$400 million a year, and I understand there's about \$7 billion being carried on OPG's books to pay for the cost of waste disposal. The Nuclear Waste Management Organization estimates the cost of disposing of nuclear waste in Canada at about \$24 billion. The overwhelming bulk of that is here in Ontario. So we've got another \$13 billion that we have to set aside over the next few decades to deal with the cost of that waste, and we still have that other \$20 billion to pay off. Setting aside liability, we have big burdens that we're carrying that provide real problems for our economy and real problems for our electricity costs, and yet this government has decided that, notwithstanding all of the errors, all of the problems, all the pigeons that have come home to roost from the last generation of nuclear reactors, we're going to go full tilt once again and hit that nuclear button and get going.

Last night I had an opportunity to be on a television call-in show, Goldhawk Live. It was very interesting to me, because one of the guests was from the Coalition for a Nuclear Free Peel. He was talking about the fact that there's actually a proposal to burn low-level nuclear waste in Peel at an incinerator. I find it extraordinary to think that anyone would seriously propose to do that, but it was fascinating to me to find out that it has already happened at the Bruce nuclear power plant. There's an incinerator, and when they have low-level nuclear waste, they shovel it in and burn it. The effluent comes out the stack. You get radioactive waste, diluted to a wonderfully low level, I'm sure, just spread over the countryside.

1720

How can one assume that there's any responsible approach to protection from nuclear contamination in this province if that sort of thing is allowed to go on? What sort of approach is that? Is that even vaguely sane? I would say that an approach that is evident in this kind of policy, in this kind of step, shows that this government has completely abandoned any responsible approach to electricity and has decided to take a risky and expensive approach to providing power to this province in the future.

I'll take another example, Mr. Speaker, one you're quite familiar with: the Portlands Energy Centre proposed for the waterfront in east-end Toronto. Well, \$700 million for 500 megawatts of capacity—most of us don't deal day-to-day with the cost of megawatts of power. It's a fair-sized facility. Seven hundred million dollars is a lot of bucks. The reality is that Toronto Hydro has been able to put in place a program that is reducing the demand for electricity in Toronto by 250 megawatts at \$40 million. I would say that \$40 million to reduce the demand in this city by 250 megawatts is far more cost-effective than anything that this province has put forward; anything.

I'll say this: What they're doing with that \$40 million, they're getting the best, probably the cheapest. If you go

beyond that, if you go to 500 megawatts, it's going to cost you another \$150 million, maybe \$200 million. But still we're talking half the cost of what it would take to build a 500-megawatt plant on the waterfront. The benefits would be that you'd reduce power demand in Toronto, thus cutting the electricity bills of businesses and individuals. You'd increase the amount of employment in this city. You would be increasing the market for renewable energy. In fact, that's the sensible way to go. But this government has not decided to go that way. It has decided to go the high-cost route. You see that in the larger plan. The plan that we have before us is predicated on nuclear power.

If we look at the example of other jurisdictions, in California over the last 30 years they've invested in energy efficiency to the point where they've constructed what they call conservation power plants—12,000 megawatts of power reduction. That's half of the power we use here in Ontario. We in Ontario could make investments along those lines. In fact, the Pembina Institute, within the last year or so, brought forward a study showing that we could reduce power demand in Ontario by about 40% from the projected levels that we'll need to produce over the next decade and a half. A 40% reduction in power demand: When you talk about that kind of reduction, you're talking about substantial reductions in people's everyday cost of electricity, far beyond anything that this rebate will ever give. You're talking about the ability to actually provide ourselves with renewable power, with green power, and avoid the operation of coal plants and avoid the construction of nuclear power plants.

That is the strategy we need. That is the approach that we need, one that focuses first on efficiency and conservation, because we're extraordinarily wasteful. In the early 1990s, a colleague of mine was working for a utility and consulting for large office buildings in downtown Toronto. Some of those office buildings use as much power as the city of Collingwood. They use huge volumes of power. Some of them have to be air-conditioned in the middle of winter because they have so much heat coming off equipment and off people in the buildings. They were running their air conditioners in January and February. This colleague of mine, who is a consultant, said, "You know, you'd do better just to suck the cold air in from the outside in January and February." Startled, the building operators realized, "Yeah, that makes all kinds of sense," started doing that and cut their electricity costs.

Those sorts of fairly obvious electricity reduction measures are out there for us to take advantage of.

I was at Toronto Hydro recently with the former Minister of Energy, Donna Cansfield. At Toronto Hydro, there was a demonstration, real time in front of us, of how Toronto Hydro was able to start up standby generators in office buildings and hospitals around Toronto to offset demand for peak power. We're not talking about science fiction. We're not talking about stuff that's far away in time and space. We're talking about practical



measures that can be taken today to cut the cost of electricity.

This bill before us is a practical measure to send out a cheque with "Ontario" stamped on it before the next election. Fair enough. Why don't we just call it that? It's the Ontario Feel Good About This Government Bill, 2006. But if we're going to talk about electricity, the cost of electricity and the affordability of electricity, we need to talk about the failure of this government to come forward with a strategy that's focused first on cost containment, environmental protection and making sure that here in Ontario we're developing the homegrown industry we need to be able to compete with others who will be producing renewable energy, who will be developing efficiency in the years to come.

**The Acting Speaker:** Questions and comments? Seeing none, further debate? Are there any other members who wish to participate in the debate?

Seeing none, and in the absence of the member who moved the motion, on June 20, Mr. Sorbara moved third reading of Bill 117. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Carried.

Resolved that the bill do now pass and be entitled as in the motion.

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** I move adjournment of the House.

**The Acting Speaker:** Shall the motion carry? Carried.

This House stands recessed until 6:45 this evening.

*The House adjourned at 1728.*

*Evening sitting reported in volume B.*



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**Mercredi 21 juin 2006**

Speaker  
Honourable Michael A. Brown

Clerk  
Claude L. DesRosiers

Président  
L'honorable Michael A. Brown

Greffier  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 21 June 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 21 juin 2006

*The House met at 1845.*

### ORDERS OF THE DAY

#### INTERIM SUPPLY

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I move that the Minister of Finance be authorized to pay the salaries of civil servants and other necessary payments pending the voting of supply for the period commencing July 1, 2006, and ending on December 31, 2006, such payments to be charged to the proper appropriation of the 2006-07 fiscal year following the voting of supply.

**Mr. John O'Toole (Durham):** On a point of order, Mr. Speaker: Earlier today, the member from Niagara Centre asked a question with respect to the Ministry of the Environment releasing an expert panel report on the sludge issue. I'd like to record that as a point of order.

**The Deputy Speaker (Mr. Bruce Crozier):** Well, it's not a point of order, but I guess it is on the record.

Mr. Sorbara.

**Hon. Mr. Sorbara:** As those of my colleagues who are gathered in this House know, the interim supply motion is the authority that we all give to the government in order to pay the bills. As the motion points out, the interim supply allows us to continue to pay the bills between July 1 and the end of the year.

There's a tradition here that the debate on supply can really visit any of the matters that the government is dealing with. After all, we're providing the authorization to do everything from, I guess, issuing new licence plates to things like the funding of the—

**Mr. Bob Delaney (Mississauga West):** The bus rapid transit.

**Hon. Mr. Sorbara:** I knew that we needed to mention your municipality: the new bus rapid transit system in the great city of Mississauga, represented so aptly by my neighbour here tonight, the member from Mississauga West.

I thought, in the few minutes I have to speak on this motion, I might simply say a word or two about the thousands and thousands of men and women who, every day, come to this place and hundreds of government offices around the province, the 65,000 or so civil servants for whom tonight we are authorizing the revenues that will find their way into their pay envelopes.

I recall that when the first throne speech of this administration was read in this Legislature, that throne speech paid a special tribute to the public servants of this province. In fact, I recall on election night, October 2, 2003, that the Premier-elect, Dalton McGuinty, had a clear and powerful message to Ontario's public servants. He said, and I'm going to paraphrase, that the importance of their work was essential to the mandate that he had just received from the people of Ontario. That mandate was very clear: to improve public services, particularly in key areas like public education and public health care.

#### 1850

Since the time we were sworn in on October 23, I myself, in the roles that I've occupied, have come to appreciate in a really special way the hard work Ontario public servants do. It's an almost 24/7 kind of situation. Members of this House know that when we come down to this Legislature, sometimes as early as 6:30 or 7 o'clock in the morning, to prepare for a particularly busy day, Ontario's public servants are already here, making sure that the business of government is ready to be attended to.

I want to say a word of commendation to the head of the Ontario Public Service Employees Union, Leah Casselman. I know Leah quite well, from before the election and since that time. She is—

**Mr. Delaney:** Passionately committed to her members.

**Hon. Mr. Sorbara:** My friend from Mississauga West says it best: "Passionately committed to her members." I recall, it wasn't so very long ago, that negotiations between the government and OPSEU, led on behalf of the government by my friend the Minister of Government Services, resulted in an historic collective agreement between OPSEU and the government for four years in duration.

I also want to mention some of the successes we've achieved in innovation with the clear and forceful co-operation of Ontario's public service. I recall, for example, the pride with which we announced the fact we were providing, for the first time in Ontario's history, a service guarantee when it came to the issuance of birth certificates. Members of the previous Parliament will know what a mess it was to get a birth certificate during the previous administration. It was chaotic. The number of complaints that came into constituency offices outshot just about any other issue. My friend the Minister of Government Services said, "We need to do a better job here." I think it was the Premier who said, "We need to



go beyond that. We need a service guarantee because the people of Ontario deserve that.”

It was about a year ago that the service guarantee was finally put into place. My friend Mr. Phillips, the Minister of Government Services, said to me that out of 150,000 online applications for birth certificates, some 15 or 20 have taken advantage of the service guarantee and got a birth certificate without paying the fee. That means that 140,000-plus have received their birth certificates within the service guarantee period. I want to say tonight, as we consider and I hope pass supply, that that is a tribute to the men and women in the Ontario public service who understood the mandate and ensured that we would be able to deliver on that commitment.

So 65,000 employees, public servants in the government of Ontario, and let me just add to that an even larger constituency of people: the tens of thousands of nurses who work in hospitals and long-term-care facilities across this province, who serve the public with passion, dedication, inspiration and commitment. As we pass this supply motion, I think we should be remembering that we are providing the revenues to pay these public servants.

It was just the other day that the Premier said to a group of caucus members—we were all together—“If you get a minute, stop in at a hospital and say thank you to the doctors and nurses who are working there.” He said the same thing about taking an opportunity to stop in at a local police station and say thank you to the men and women who do that. This supply motion provides revenue to municipalities, and through them police officers who protect us in communities all over the province are provided with the revenue necessary to make those payments.

Finally, I want to say a word of thanks and recognize the over 100,000 men and women who teach in our public schools right across Ontario. Mr. Speaker, I don’t want to go on about the terrible problems that we inherited in the area of public education, but you, sir, because you went through the election, will remember that many descriptions of public education used the word “crisis” routinely. Fast-forward now, just two and a half years later, and people go into our schools and say that there’s a new atmosphere of inspiration, a new dedication to learning, a new commitment by teachers.

As we consider this supply motion, I want to pay tribute to former Minister of Education Gerard Kennedy, who was able to bring about the negotiation of historic four-year collective agreements with teachers’ unions across the province. That has added to the stability.

But our commitment to higher test scores, our commitment to smaller class sizes, our commitment to show our own dedication to the work that teachers do—and I’m looking at the Minister of Northern Development and Mines, a former teacher who understands the challenges of the classroom. In this supply bill we provide literally billions of dollars to school boards so that we can pay for the wonderful work that teachers do right across this province.

Finally, just to mention that crew of people who work to maintain the whole system and keep it going. When we walk into this building in the morning, it’s clean and neat. The lawns are cut on the outside. That’s replicated in government buildings. There are men and women who are restringing wires, who are making sure that the systems work. This supply bill authorizes us to make all those payments, and I think it is appropriate to say thank you to them for their public service and the work they do, and to say to them that we will continue in our dedication on a program of constant improvement of public services, and that work will be delivered by them.

**The Deputy Speaker:** Further debate?

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):**

It’s a pleasure to add my comments. I must say, it is kind of nice to hear the member from Vaughan–King–Aurora, the once and now again Minister of Finance, speak in this House. We didn’t hear much from him for a few months; he was kind of in exile. It’s nice to see him back. I always do appreciate and enjoy listening to him address this House, I must say that.

*Interjection.*

**Mr. Yakabuski:** Okay, now let me talk, John. You go back to your seat.

I’ve got to get a couple of things out of the way before I really get into it because I did say to the Minister of Training, Colleges and Universities that I’d have something nice to say tonight. I must say that he has given me good indications about some of the strong feelings he has with regard to Algonquin College, Upper Ottawa Valley campus, in Pembroke, Ontario, and I am hopeful that he will continue to be supportive of the programs that they have there, because that is a vital, vital institution in my riding of Renfrew–Nipissing–Pembroke. I do hope he will continue to support that.

Back to the matter at hand. One thing about interim supply motions is that we do have an opportunity to freewheel a little bit. And you know me: Generally, I am Mr. Deadeye, right on the subject. But sometimes you have a little room, a little latitude to go a little bit sideways. And you can’t be interrupted by the member from Mississauga West on a point of order on the interim supply motion because he thinks you’re off topic.

So what do I want to talk about first tonight? I have limited time, I’ve got to get right to it, so I want you to listen carefully. And you people out there, I want you to listen carefully too.

What is one of the great disasters of this government? We could list them, and probably I’d run out of fingers and toes and I’d have to go to my colleague John O’Toole and borrow some of his. However, one of the great disasters is their absolute and abject failure on the subject of energy policy in the province of Ontario.

Then-opposition leader Dalton McGuinty stood in front of the people, in fact in this chamber, in Hansard, and said unequivocally, “We will shut down every coal-fired power station in the province of Ontario by 2007, come hell or high water.” That’s what he said—in Hansard. That is what he promised.



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It has become apparent in the last few weeks that that promise was an absolute farce. I can't go too far here, you know. It was an absolute farce. They absolutely knew that they could not meet that promise, but they insisted on trying to continue to bamboozle—I think that's okay—the people into believing that they could actually accomplish that goal—a total failure; an absolute, abject, miserable failure.

Now where are they today? They've climbed down from that completely; however, they're still insisting that somehow they're going to get these things shut down. They still believe they're going to shut them down—no timetable any more, no promise. But, you see, they're still trying to spin it because they don't want to completely retreat on all of those terrible things they said about coal generation in Ontario, because now they're actually admitting that they're going to continue to produce power by means of burning coal in Ontario.

What have they done? Three lost years that could have been devoted to reducing emissions at those coal power plants by installing mitigating emission control systems that would reduce substantially, by 95% and 97%, the NO<sub>x</sub> and the SO<sub>x</sub> that those stations produce. Not a single nickel did they spend on it. The Premier said, "Why do I believe in shutting them down? When I saw smog days in Algonquin Park, that was it for me." Well, NO<sub>x</sub> and SO<sub>x</sub> are the primary components of smog. We could have been dealing with those three years ago. In fact, the previous government was dealing with them, installing SCRs on two burners at Nanticoke and scrubbers and SCRs on two burners at Lambton, which have made those two of the cleanest coal-burning burners in all of North America.

I guess the question that people will have to ask themselves is, did this government know that it couldn't do that, and if so, why did they insist on saying they could? Because that borders on something—you know what, Mr. Speaker—I can't say because you'll be rising up in that chair very quickly. That is something that the people are going to ask themselves: "Wow. You mean this government was telling us something that they knew they couldn't do? Governments aren't supposed to do that to the people. They're supposed to be honest with us at all times." So that's one possibility.

The other possibility is that they are so utterly incompetent that they just had no idea what was going on in the energy sector in Ontario, no idea what kinds of hurdles they would face in trying to implement those kinds of policies. Either way, I think the people have to ask, and then answer, that question: "If a government hasn't been fully forthcoming with us and totally honest, then it's time to throw them out; and if a government is incompetent, it's time to throw them out." So at the end of the day it leaves the people with little option than to come to the conclusion that it's time to throw them out. Not yet, because we can't have an election until October 4, 2007, but at that time I don't think the people are

going to forget how they have mismanaged this file with regards to energy in Ontario.

I don't have a lot of time. There are so many things I'd like to cover, but I do want to stick to the timelines that we've been governed by here.

Another issue that the people must be absolutely disappointed with is the total lack of leadership on the part of this government with regard to the impasse and the occupation at Caledonia. What is it, 116 or 117—I can't remember exactly how many days it is; near the end of February: Since that time, this situation has deteriorated continuously, and what do we get out of the Premier? We get out of the Premier, first of all, an undertaking that no negotiations will proceed unless certain conditions are met. Those conditions were not met, but back they go to the table.

Then we find out that they're taking your money—your money, ladies and gentlemen—and engaging in the negotiation of a settlement by buying the land that will still be in dispute; buying the land with your money. But you know what they're not telling you? They're not telling you how much of your money they are spending.

If you remember the throne speech that Dalton McGuinty proudly had the Lieutenant Governor read here in 2003, he talked about transparency and openness and honesty and integrity in government. I don't want you to ask me. You ask yourselves, ladies and gentlemen: Do you think what we're seeing today from this Premier is displaying that honesty and openness and transparency in government? You ask yourselves those questions; I think you'll come to the same conclusions that I have come.

I want you people on the other side of the House to ask those questions as well, because I believe there are an awful lot of good people. Everybody who comes to this House comes with the right intentions. Sometimes we get a little misguided because politics come into play and that is unfortunate. But I want you to talk to your Premier and I want you to talk to that minister and I want you to sit down with them and I want you to say, "We're doing the wrong thing. We're doing the wrong thing for the people of Caledonia; we're doing the wrong thing for Six Nations; we are doing the wrong thing for Ontario. It is time for us to stand up, show some leadership and do the right thing. You have until tomorrow to correct what you have been messing up for 116 days. Please, on behalf of the people of the province of Ontario, mend your ways and make it right."

**Ms. Andrea Horwath (Hamilton East):** It's certainly my pleasure to make a few comments on this matter before us this evening, which is interim supply. I think the finance minister described it as giving the authority to the government to pay its bills.

I have to say, obviously, interim supply is necessary and needs to be done, but I can tell you that there are some bills I wish this government saw fit to actually pay. In fact, there are a number of things this government should take under advisement and start paying some



attention to in the province of Ontario. I speak, of course, about children.

This government has been an abject failure in its response to the needs of children in the province—period, full stop. It is a disgraceful set of affairs when the government, a major part of their platform being a child care program for the province of Ontario—that at the first sign of the new federal government turning its back on the previous federal government's commitment, all of a sudden the Liberal provincial government decided that they no longer were committed to a child care plan in the province of Ontario. I have to say, it's a sorry, sorry state of affairs when one of the largest provinces in the country cannot find its way to provide a child care plan for the children of this province when it was one of their major platform planks.

I was shocked. I was shocked, not only that the government decided that Best Start was no longer going to be started; that the commitments that had been made to families from one end of this province to the other were so quickly reneged upon by the government; that they'd not only cut the commitment and said, "You know, the federal government is not going to be in on this anymore, so we're not going to be in on this anymore, either. We no longer—even though it was a major part of our platform—are committed." All the research, all the studies, all the gathering of evidence and information and a framework for the delivery of child care might not have been the way I would have done it, but certainly it was a step in the right direction. But oh no, this government decided that all that evidence, all that material and all that forward momentum needed to come to an immediate halt. Why? Because the federal government decided they weren't going to invest in a child care plan across Canada.

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The provincial government, on the other hand, had committed their own \$300-million investment in child care in their platform. What happened? When the feds reneged, all of a sudden the provincial government reneged. They didn't have to. They could have actually invested their \$300 million, kept the ball rolling in the right direction, not disappointed those thousands of families who were waiting with bated breath to get some affordable, licensed, quality, developmental child care for their children. Early learning and care: It's a very basic concept that has reams of evidence supporting it. The government supported it while they were running for government, while they were running in the last election. They built a whole platform around child care. They spent a lot of time and effort working on that issue until, lo and behold, the federal government changed and their commitment was no longer there, and that gave the McGuinty Liberals carte blanche to turn their backs completely on the families of Ontario. I say shame on them for doing so.

Interestingly enough, just in time for tonight's debate, I received an email from a woman who is active in child care issues in her community in the region of Waterloo. I

thought I should take this opportunity to read it because it's extremely instructive. The government would like to lay all the problems, the blame, for the lack of child care and their lack of ability to deliver on that promise at the feet of the federal government. But I've already indicated quite clearly that not only have they not put their \$300-million investment in, but believe it or not, this interim supply bill speaks to a budget that had a reduction in the children and youth services budget. They've reduced it by 22%. So not only did they not invest their \$300 million, but they've actually reduced the budget by 22% for child care in Ontario. I have to say shame on them.

But it's not just me saying shame on them. I'm quoting from this article that was in the *Kitchener-Waterloo Record*. It's an article written by someone named Brian Whitwham. This is dated June 21, 2006.

"Hundreds of children from low-income families might miss out on day care this year after regional councillors decided to send a strong message to Queen's Park yesterday.

"Councillors chose not to rescue the child care program by making up for shortfalls in federal and provincial funding. Several said they didn't like the move but felt it had to be made to force the provincial government to accept responsibility."

Even regional councillors are saying shame on the McGuinty Liberals for turning their backs on low-income families in the region of Waterloo.

"It breaks my heart but I'm going to support it," Councillor Claudette Millar said. "If this is what it takes to get the province to move I will support the motion—very angrily."

The councillors had to withdraw their support for child care because they're not getting the money this government promised them. Instead, they're seeing clawbacks and another broken promise of a \$300-million investment that never did materialize in the province of Ontario. I quote again:

"The community services committee decision, which will go to council next Wednesday, reduces the number of children eligible for subsidies to 2,300 from 2,600. Children's services director Mary Parker said that means the region will have to freeze the program until 300 children leave," to be able to make room for more children.

I could go on and continue with the details of this report, but I have a number of other issues, so if people are interested in reading it, it's published in the *Kitchener-Waterloo Record*. It's a condemnation of this government's lack of commitment to child care.

That's only one of the things this government has refused to acknowledge in terms of their responsibility for children. The other big broken promise that comes to mind immediately, when I think about children, is the refusal of this government to stop the clawback of the national child benefit, a very clear campaign promise made by the McGuinty Liberals that to this day, three-and-a-half years after that campaign, has still not been fulfilled. Shame on them. Some \$1,400 per family



annually that could be making a huge difference in the lives of children and in the lives of low-income families is simply being—they washed their hands of it. They say, “We are no longer committed to really making a difference for the kids who are experiencing the deepest levels of poverty in this province.” With one small stroke of the pen, this government could do the right thing by the children and the low-income families of this province that rely on social assistance. Instead of having that national child benefit clawed back, those families could be reducing—certainly not eliminating, I would say, because of the dismal levels of social assistance in this province that continue to keep families in poverty—the number of times they have to rely on food banks and the number of times those kids have to go to school hungry.

The Minister of Education is often up on her feet talking about all the wonderful changes in the education system. If you want to see some changes in how effective education is, send kids to school who are not hungry. Make sure they're fed. Make sure they have a decent, affordable roof over their heads. Start dealing with investment in things like affordable housing and decent standards of living for children and you'll see some big changes in the education system. I can guarantee you that.

I've touched on child care funding and on the issue of the national child benefit, but there are so many other pieces that this government refuses to acknowledge they have to take responsibility for.

Another big one is their lack of even acknowledging the fact that our children's aid societies need to have absolute, independent Ombudsman oversight. In fact, I just met with some people in my office this evening. I don't know why the government refuses to allow an independent, unbiased review of what's happening in children's aid societies. We have seen the horror stories time and time again. Certainly children's aid societies have a lot of responsibilities and a lot of work they need to do. They try their hardest, but there are systemic problems that continue to occur that are hurting children day after day in Ontario, and it's simply not acceptable. If we had Ombudsman oversight, we'd be able to get at some of those systemic issues, as well as provide a decent, unbiased and appropriate venue for complaints by people who have concerns with their local CAS and the problems they've experienced there.

I was recently informed that our local community care access centre in the city of Hamilton is reducing services once again. Children cannot get services, adults cannot get services from CCACs. I have to tell you, what does our CCAC in Hamilton say?

“Hamilton CCAC does currently have waiting lists for some services. The waiting lists were reluctantly implemented in November 2005 because the local need for service is greater than our ability to purchase it, based on what we receive in funding from the Ministry of Health and Long-Term Care.

“The waiting lists are a significant concern for the Hamilton CCAC and we are very sympathetic to the

frustration experienced by individuals and families. We have written to the regional office of the MOHLTC”—the Ministry of Health and Long-Term Care—“and are in the process of setting up meetings with MPPs to apprise them of the situation.”

It's a damning indication of this government's lack of commitment to children and families in Ontario.

**Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge):** I'm pleased to enter into the debate on the interim supply motion. I'm pleased to follow the minister from the government side. He took the time to articulate what the motion is really about, and that's certainly about the need to do the business of government and what it means to the many thousands of employees of the province, as well as the broader public sector, and the appreciation we have.

I'm pleased to follow both the official opposition and the third party, because if they weren't opposing what we're doing, we would be in pretty rough shape. That's what this place is about—they're supposed to oppose. So I'm pleased they're still on track, even though it's the evening before we wrap up for a bit of a summer recess.

This may be one of my last opportunities—probably my last opportunity—to speak, unless we have a couple of minutes tomorrow.

*Interjection.*

**Mr. Arthurs:** No, Mr. O'Toole, I'm not doing that, not at all—but my last opportunity before we recess for a bit of a summer break.

I know, as we wind down at this point in time, many of us are rather looking forward to a little bit of a break, some time off, as well as some constituency work over the next couple of months. It's been a long stretch. I know all of the members and the staff—the minister commented on the legislative staff, the OPS staff and the broader public sector. I want to comment on the political staff on all sides of the House, those who work in our political offices and our constituency offices. For most of us—I know in my case—they're the unsung heroes, being the direct interface with my constituents and with those who want to reach into the office of government if they're not a constituent. They work very hard for us. They put in long hours every day. They take those calls when we're not there in the constituency office and deal with those constituents who have real needs. In some cases, those needs are stressful for the individual and stressful for the staff. I think it's an appropriate opportunity, since supply allows us a range of opportunity to speak, to celebrate the work done by our political and constituency staff.

**1920**

The minister spoke about the initiative of the Minister of Government Services to provide a money-back guarantee on birth certificates. My daughter is drafting a letter of thank-you to the minister, which I encouraged her to do. My youngest and newest granddaughter—my chance to get family on the record in Hansard—Leá, who was born on December 17 of last year, got her birth certificate within the required time and met the time



frame for guaranteed delivery. Certainly my daughter's happy with that and, as Leá gets to be a little bit older and understands what a birth certificate is about, she'll be happy that she has it as well.

The minister made reference to the broader public service. He mentioned nurses, doctors and the like, and commented on teachers and the fine work they do for us. My second opportunity tonight to put family on the record: my wife, Susan, is retiring from the career of teaching after some 30-odd years in about seven or eight days. She's very much looking forward to her retirement as she reaches towards the end of this month. Each day she in at the school office at 7 in the morning and most often not home until 5 or 5:30 at night, and rarely has time for anything that we'd call lunch. I know, on a day-to-day basis, how hard our teachers and other public servants work.

I've had the opportunity in the past almost three years to work with public servants here directly in a couple of ministries, both with Minister Phillips in the former Management Board Secretariat, now Ministry of Government Services, and subsequent to that with the ministers of finance. So I've had a chance to interact very directly with the very fine public servants we have in the province of Ontario, particularly here at Queen's Park, those who provide policy advice and those who manage the affairs once government decides on a policy direction, who set that policy in motion and ensure that the dollars of the taxpayers of Ontario are being not only well spent but well managed.

Initially there was some level of frustration with: Why do things take so long? Why are things so cumbersome? Why can't we just make that decision and move right along with it? I found out, after spending some time here, that part of the reason is because of the due diligence that the Ontario public service does on behalf of government, on behalf of the Legislative Assembly, to ensure that the policies that are being implemented are being implemented in the direction the government is providing but also being implemented in the context of other legislation or regulations that they have to take into account, as well as to ensure that the public dollar is being protected. Those checks and balances along the way are there to ensure that those taxpayers' dollars are being accounted for, each step of the way. Although the public and even elected officials may find that somewhat cumbersome, it's good to know that that oversight, those checks and balances, are there.

We probably shouldn't forget those folks like the officers of this assembly, like the Auditor General, whom we dealt with here in the Legislature today to extend that term because he's doing a fine job in his office. The function of officers of this assembly is to ensure that the entire assembly's efforts are being respected, to make sure their work is being done; not just the government's work, but the work that this assembly does, and to make sure there is an accounting back to this assembly, to make sure there are methods and strategies so that we

know what's going on in government and debate can occur here around matters affecting government.

The interim supply motion is part of that. It's ensuring not only that we're able to continue during this year to implement the policies of government as reflected in the budget, and as reflected in the estimates process, where all parties have a chance to challenge various ministries on their budget provisions, ask challenging questions along the way and demand answers of ministers and ministries to ensure that the process, as the member from Peterborough says, is not only transparent but accountable to us all.

Those staff who provide those services—the Auditor General or the Integrity Commissioner, or the Ombudsman, who was mentioned in the last speech, or the Environmental Commissioner—any of those folks who are appointed to do work on behalf of this assembly and the people of Ontario deserve our thanks as well. We may not agree with everything they have to say and do, but it's not their job to make sure that we agree with them; it's their job to make sure they put forward the types of—are we okay? I'm watching. I can see the clock ticking down, so I know I'm down to about two minutes. I'll wrap it up at that point because I know that as we move towards—

*Interjection.*

**Mr. Arthurs:** We'll see in 16 months.

**Interjection:** What's your policy on energy? Are you going to unveil it soon?

**Mr. Arthurs:** We have a good energy program. I'm looking forward to the environmental assessment processes that will come with things like considerations of refurbished nuclear, and whether it's Darlington or Pickering. I know that Bruce is ongoing. I'm anxious to see OPG move forward on the EA for Pickering B and its renewal. It'll take some time to do that. We're going to need that energy supply.

I know that my friend from the Durham riding, part of the great region of Durham which we jointly represent, will look forward down the way to what might be happening in his neck of the woods, in Darlington. We'll both be looking very closely at how the process proceeds and the consideration of new nuclear, as will the member from Huron—Bruce, across the floor from me, in her home riding.

We're going to be watching closely what happens on that front, as well as other initiatives on the energy file, which is an important file, one which the government recognizes as important and why the Premier said that we're going to take that file up, that we're not going to wait until after an election and try to ride things through and then address it maybe down the road somewhere. He said that we're going to address this right up front because it's an important file and we're not going to shirk away from our responsibility moving into an election year.

I see the clock's ticking down to the last 10 seconds or so. I just want to say that this is an important motion. It allows government to do its business. It's an opportunity



to celebrate the good work of the folks of the province of Ontario, the OPS, the broader public sector and others. I wish everyone a good summer season and a good holiday.

**Mr. O'Toole:** It's difficult to follow my good friend and peer the member from Pickering-Ajax-Uxbridge, Wayne Arthurs. Quite frankly, I'm surprised he's on the government side and not in cabinet. It has nothing to do with the interim supply motion, but I know him to be a former mayor of Pickering and a capable person who realizes that Durham basically has been ignored. It's tragic to say that because it's really not part of my main remarks, but I listened with some interest and I would say that.

The interim supply motion gives members liberty to take some account of what's actually happened or is happening in their riding, and it's under that kind of definition that it's ultimately to legitimize the payroll, which I would endorse, so I will be supporting the interim supply motion. That being said, I want to go on to say that the member from Renfrew-Nipissing-Pembroke, with some passion, I might add, has spoken—without being regarded—on the energy file with considerable experience. He knows of what he speaks, and he's been ignored by the Minister of Energy. They're not being as free with disclosure with the people of Ontario on the price for energy going forward with their lack of a plan.

I don't want to digress. There are a couple of things I want to say. First and, more importantly, on a personal level, I want to wish all members of all parties, regardless of our differences during the year, a happy summer—because it's getting close to the season and we have a different job here—and a safe summer. We disagree, but we all try to serve our constituents as well as the other people of Ontario.

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There are things that I think the Minister of Transportation—on some of the issues that I brought forward. The transit tax credit: I'm crushed, quite frankly, that they haven't endorsed that. It's such a practical thing to do to encourage people to get out of their cars. Wayne and I know: We commute from Durham. The Sergeant at Arms is from my riding and I'll probably see him on Canada Day at the museum; I do every year. My point is this: Sometimes good policy is simply good politics. I mean, it oversimplifies our duties here.

The other part is, as the Premier said earlier this year, he's seized with the issue. I'm seized with the concern that he fails to recognize the importance of dealing with the cellphone issue, the driver distraction issue. It may not seem relevant to the debate tonight, but I get calls from all over Ontario about the inability of the—Donna Cansfield is the minister.

**Mr. Yakabuski:** John, it's for you.

**Mr. O'Toole:** I have a call here. Actually, the member from Renfrew-Nipissing—

*Interjection.*

**Mr. O'Toole:** Wayne, the Sergeant at Arms, from the riding of Durham, sees that confiscated. There's what

should be done in cars. Thank you very much for that, Wayne. I would dispose of that phone immediately.

I spoke today on the issue of distracted driving. Distracted driving this summer could be in anything from a sailboat to a power boat, to an automobile, to a scooter. Obviously we have to respect each other, and we respect the water courses, the sidewalks and the roadways. Impaired driving, drugs while driving: Any of those things are prohibited. We should avoid them. I encourage the OPP to help us maintain safe highways during this summer because it is a tragic time, where families—and boating, Bill 209, David Zimmer's bill. I would be on the record publicly here as supportive of that as the critic, and most of our caucus supports that. We would encourage Jim Bradley to bring that forward as we wrap up this session tomorrow.

Most caucuses, Mr. Zimmer, support that. I want to support the members who have written—all members of all caucuses. As the critic for transportation, I'm on the record right here, right now, supporting that bill.

I realize the dynamics of what gets supported, whether it's the organ donor thing or all these things. Rick Bartolucci is a minister; he's a part of cabinet. That is a good policy, and good policy is good politics. We've got to get around the issue of disagreeing just because it gives one member some traction over another. I don't think it's even ideology, at the end of the day; I think all of us are here in a very genuine way, outside of all the partisan stuff, to serve the people of Ontario. I don't say this just because it's the end of the session. It's in the theme of the interim supply motion, which is that we're paying the public service, including us, however meagre that might be, for doing a professional job to the best of our ability. In my experience, having worked for General Motors for 30-some years—10 or so years in personnel and 10 in salary administration—there's a way of determining, encouraging and rewarding performance and they've got to start to do that here somehow. Certainly good civil servants are absolutely paramount for us to have, as I try to link my discussion around good policy.

I'm going to turn my focus, for a moment, on a personal level. My family is very important, as most of you would probably know. And for most of you, family is important in your lives. But I said earlier today in response to a question that my wife, Peggy, is retiring at the end of this June as a teacher. She's spent some years teaching for the Peterborough Victoria Northumberland board of education. She's quite a modest person. She's a primary ed teacher. I was surprised, and I mean this. I don't know how to state it, actually. She's very capable, very competent. She raised five children. I was the assistant, not the primary provider. I was surprised that she spoke in response to OECTA, that had an appreciation ceremony. She did get up and recognized—but what she said at the end was so genuine, that what she will miss the most is her contact with children.

Surprise, surprise: Last Saturday our oldest daughter, Rebecca, who is married to an Australian, came home.



They arrived last Saturday from Australia with our two grandchildren. They're here for, I believe, five weeks, and my wife, a primary ed teacher, is actually babysitting tonight. I spoke to her just before the session this evening. Our daughter and her husband are in Toronto enjoying some free time. It's very important to relate your own life experience to the people we tend to serve. It's in this vein that I want to say that I welcome David and Rebecca, as well as Megan and Daniel, our grandchildren, and I also extend that to say that on Canada Day in the riding, all of us as members will have a very important day. In my case there will be the 150th, the sesquicentennial, celebration of Newcastle—very important. I made a statement on it earlier this week. Not only that: The museum traditionally in Clarington has a flag-raising on Canada Day, and Wilmot Creek will have an event as well.

More importantly, my grandchild from Australia will have his second birthday on Canada Day. My wife, Peggy, was in Australia when he was born. She was actually in the delivery room—quite amazing. I'd like to put this on the record because it is part of history. What we're doing is history. It may be micro-history but it's history. She was actually in Australia. She left the day after school was dismissed. She went there because our daughter was having our grandchild. She was in the delivery room and the child was born. Daniel was born two years ago on Canada Day, in Australia. She had pins, Canadian flags and all that stuff to celebrate this thing, and the anaesthetist was actually a Canadian. My wife was videotaping it and they sang O Canada in Australia when Daniel was born. So it's a great and very important birthday that I'm sharing with you. I don't want to invoke tears in anyone or anything, but it's important to do that. I wanted to put it on the record because to me it's part of Daniel's history, part of our history and part of the history we all celebrate here tonight, sometimes in a rather confrontational manner.

I would just say that in my riding of Durham, or the riding that each of us serves, we are always proud to represent the interests of not just our families but of our constituents.

I'm now being encouraged to wrap up these comments. I wish everyone a great summer. I have a lot more to say and a lot more notes but I've been encouraged to conclude.

With that, I'll submit that our side would be supporting the interim supply motion.

**Ms. Shelley Martel (Nickel Belt):** It's a pleasure for me to participate in the debate tonight. Following on the theme that was set by my colleague from Hamilton East, I want to talk about children, and autistic children in particular. I remind the members who are here and people who are watching that in light of the promises made by Mr. McGuinty in the last election, and in light of the \$3-billion windfall this government experienced in the most recent budget, this government has absolutely failed autistic children in Ontario.

Mr. Speaker, I was at a rally in Kingston on Monday morning at 11 o'clock. It was one in a series of rallies, one like you and I participated in in Windsor a couple of weeks ago. I want to, on the public record, congratulate Cindy DeCarlo, Susan and Dan Fentie, and Laura and Bruce McIntosh, all parents who have children with autism and who have been instrumental in creating a number of rallies across the province to remind the public, and the media in particular, about the promises Dalton McGuinty made in the last election to families with autism, and to tell this government in the clearest way possible, "No more excuses. Do what you promised for families who have children with autism." I was there in support of these families and I will be at other rallies with them. The next one I will be at will be on July 31 in Kitchener-Waterloo, and Ottawa, and one in Sudbury in the fall. I'm there to support those parents because I agree that we shouldn't have any more excuses from this government. This government should do what it promised in the last election.

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I want to focus this evening on the three promises that have been made by this government to these families. The first has to do with a promise that was made in the middle of the election, September 17, 2003. This was a letter that was written by Dalton McGuinty, then leader of the Liberal Party, to Nancy Morrison, who at that time had a five-year-old son, Sean, who had autism. He has a twin who has autism as well, although hers is not as severe. Nancy wrote and asked what the position of the Liberal Party was with respect to the former government's policy of cutting off children at the age of six from the government-funded IBI treatment program. This is what Mr. McGuinty had to say to Nancy Morrison:

"I also believe that the lack of government-funded IBI treatment for autistic children over six is unfair and discriminatory. The Ontario Liberals support extending autism treatment beyond the age of six."

Yet, when the government was elected, the discrimination continued right on. Those children who were on the government-funded IBI program on the day they turned six got a letter in the mail saying, "Thank you very much, but your treatment is over, and it doesn't matter if you need more IBI or not, your treatment is done." So the very same discrimination that the Liberals were so critical of before the election is a discrimination that they continued once they got those votes and once they were elected.

It's worth pointing out that the only reason today that children over the age of six continue to get IBI treatment if they had been in the program before they turned six is as a result of a court decision by Justice Kiteley in April 2005—not because the McGuinty government decided to do the right thing, but because of a court decision that was made by Justice Kiteley on behalf of 29 families who have autistic children, who have fought the former government and then this government in court to try and get the justice their children deserve. Justice Kiteley, in her decision last April, said that the Liberal government



was violating—violating—the charter rights of Ontario's autistic children because this government discriminates both on the basis of their age and on the basis of their disability. Because it was a charter case, this government has been forced to continue to provide IBI treatment to those children who were on the program until such time as that court decision is overturned.

You would have expected that this government would have accepted that court decision, because it was exactly what Premier McGuinty promised before the election, to end the discrimination, but oh no. Within about 36 hours of that decision being rendered, this government announced that it was going to appeal that decision to the court of appeal in Ontario. And that's what the government did this last December—went into court again, fought those parents one more time, abused taxpayers' money by fighting against these parents and tried to deny them the justice that they are so entitled to.

The worst part is that we all expected the decision to be rendered in June from the court of appeal and we have all been hoping that it would be positive. In the last three weeks, the government has now been before the court of appeal, or is trying to get a hearing before the court of appeal, to introduce fresh evidence to try and ensure that the court of appeal rules against these families. In the last three weeks, the government has been before the court trying to introduce fresh evidence in order to try and make sure that these kids don't get what they deserve, indeed that these kids don't get what this Liberal government promised them before the last election. Shame on a government that would spend so much taxpayers' dollars fighting families in court, fighting families who are trying to get what this government promised them before the last election when it was looking for their votes.

Let me deal with the second promise that was made in the same letter to Nancy Morrison. It had to do with IBI in the school system. The letter says the following:

"We are not at all confident that the Harris-Eves Conservatives care to devise any innovative solution for autistic children over six—especially those with best outcome possibilities that might potentially be helped within the school system with specially trained EAs.

"In government, my team and I will work with clinical directors, parents, teachers and school boards to devise a ... way in which autistic children in our province can get the support and treatment they need. That includes children over the age of six."

So the government promised that it was going to have IBI in the schools so autistic children could continue to learn in Ontario's school system. What did Justice Kiteley find, because after the election, of course, the government didn't put IBI therapists into the schools; the government didn't tell the school boards that that's something they had to do, even though they promised it. What did Justice Kiteley say about the Minister of Education in this regard?

"[T]he Minister of Education failed to fulfill the statutory duty to 'ensure that appropriate special edu-

ation programs and special education services' were available to all exceptional pupils without payment of fees. In particular, the Minister of Education failed to develop policy and give direction to school boards to ensure that ABA/IBI services are provided to children of compulsory school age. Indeed, the actions and inactions of the Ministry of Education and the Minister"—one Gerard Kennedy—"created a policy barrier to the availability of IBI/ABA in schools. The absence of ABA/IBI means that children with autism are excluded from the opportunity to access learning with the consequential deprivation of skills, the likelihood of isolation from society and the loss of the ability to exercise the rights and freedoms to which all Canadians are entitled."

What a condemnation of the former Minister of Education and this government with respect to its total failure to make sure that children who have autism get the supports and programs they need in our school system, in order that they can learn. That is the same pathetic situation that exists in the province of Ontario today. Shame on a government that would promise this before the election to try and get votes of families, and after that just throw it right out the window, right out the door, as if they had never made the promise in the first place.

I want to deal, finally, with funding for IBI services, because the government, when it came into government, announced that it was going to put oh, so much more money into IBI. The reality is that the government has announced a lot of money for IBI, and the government has turned around and diverted that funding to other programs.

Fiscal year 2003-04, the last six months of which the Liberals were in government: The government promised \$80 million to be spent on autism services; \$36.6 million of that was returned to the consolidated revenue fund at a time when there were children who qualified for IBI who were sitting on a waiting list and who could have used the services and that money to get them those services.

In 2004-05—the Liberals are in government the whole time now—the government budgeted \$89 million for autism. In that same fiscal year, the government diverted \$21 million to other children's programs within the ministry, at a time when there were 399 children on a waiting list hoping for service.

The Minister of Children and Youth Services last Friday announced \$8 million; that's supposed to provide services to 120 kids. I sure hope that's going to happen, but the track record of the Liberals so far is that they announce money for IBI and then divert it somewhere else. At the same time, the waiting list for children who qualify for IBI has continued to grow and grow.

I want to put these numbers on the record. March 31, 2003: There were 76 children who qualified for IBI and were waiting for service. March 31, 2004: 89 children who had qualified and were on a wait list for services. March 21, 2005: 399 children who had qualified for IBI and were on a wait list for service. March 31, 2006: 753 children who qualified for IBI service who are languishing on a waiting list, waiting for service when



this government had a \$3-billion windfall in March of 2006 and could have easily—so easily—provided the funding to get those kids off the waiting list.

My time is running out, but I want to conclude by saying this: It is a disgrace in the province that a political party would go out at an election and make promises to some of the most vulnerable children and vulnerable families in the province of Ontario. That's what this government did when it went out and promised it was going to end the discrimination against autistic children over the age of six and ensure IBI was going to be provided in the schools.

The reality is that after the election, the Liberals did the same thing that the Conservatives had done before them: continue to discriminate against these children and continue to deny IBI therapists in the school system. Worse still, the government continued the court case that had been underway under the Conservatives, and have fought—fought these parents harder than ever before, even harder than under the Conservatives—to deny them the services and the treatment they need.

Finally, we've got an Attorney General who has brought in a bill—Bill 107—to change the situation at the Human Rights Commission and the Human Rights Tribunal. One of the fallouts of that bill, if it is passed in its current form, will mean that the current tribunal hearing that is going on with respect to autistic children—over 100 families who are alleging discrimination on the basis of their children's disability—if the bill goes forward as it's written, that whole case will be lost. Those families have been before the tribunal for three years now trying to get justice. The delay hasn't been on the part of the tribunal; the delay has been this government, which kept passing motions and bringing forward motions so

that: first, the case couldn't be heard until a federal case on autism was heard; second, the case couldn't be heard until Justice Kiteley had rendered her decision; third, that the Human Rights Tribunal had no authority to hear the case—and on and on. The delay has been absolutely at the hands of the Liberal government. If that bill passes as it is currently printed, then that case will be lost entirely.

I oppose the bill for all of the reasons that have been outlined by my critic, Mr. Kormos, but I particularly oppose the bill because of what it's going to do to those families who have waited so long for justice. I say to the government, as I conclude, you had the money, you made the promise. No more excuses. Do what you promised for those families whose vote you wanted before the last election.

**The Deputy Speaker:** Further debate? Does any other member wish to speak?

Mr. Sorbara has moved government notice of motion number 183. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Carried.

Orders of the day.

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** Speaker, I move adjournment of the House.

**The Deputy Speaker:** Mr. Bartolucci has moved adjournment of the House. Is it the pleasure of the House that the motion carry? Carried.

This House is adjourned until 10 of the clock Thursday morning, June 22.

*The House adjourned at 1952.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
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Etobicoke North / Etobicoke-Nord	<b>Cansfield, Hon. / L'hon. Donna H. (L)</b> Minister of Transportation / ministre des Transports	Mississauga East / Mississauga-Est	Fonseca, Peter (L)
Etobicoke-Lakeshore	Qaadri, Shafiq (L)	Mississauga South / Mississauga-Sud	Peterson, Tim (L)
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	Lalonde, Jean-Marc (L)	Nepean-Carleton	MacLeod, Lisa (PC)



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Oshawa	Ouellette, Jerry J. (PC)	North / Thunder Bay–Superior- Nord	
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Peterborough	Leal, Jeff (L)	Willowdale	Zimmer, David (L)
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Scarborough East / Scarborough-Est	<b>Chambers, Hon. / L'hon. Mary Anne V.</b> (L) Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse	Parkdale–High Park	Vacant
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)		
Scarborough–Agincourt	<b>Phillips, Hon. / L'hon. Gerry</b> (L) Minister of Government Services / ministre des Services gouvernementaux		
Scarborough–Rouge River	Balkissoon, Bas (L)		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	<b>Bradley, Hon. / L'hon. James J.</b> (L) Minister of Tourism, minister responsible for seniors, government House leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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**Thursday 22 June 2006**

**Jeudi 22 juin 2006**

Speaker  
Honourable Michael A. Brown

Clerk  
Claude L. DesRosiers

Président  
L'honorable Michael A. Brown

Greffier  
Claude L. DesRosiers





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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 22 June 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 22 juin 2006

*The House met at 1000.  
Prayers.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

### INTERIOR DESIGNERS ACT, 2006

#### LOI DE 2006

#### SUR LES DESIGNERS D'INTÉRIEUR

Mr. Peterson moved second reading of the following bill:

Bill 121, An Act respecting interior designers / *Projet de loi 121, Loi ayant trait aux designers d'intérieur.*

**The Deputy Speaker (Mr. Bruce Crozier):** Pursuant to standing order 96, Mr. Peterson, you have up to 10 minutes. The floor is yours.

**Mr. Tim Peterson (Mississauga South):** I'm very pleased to rise in the House today to begin the debate on second reading of Bill 121, an act to regulate the practice of interior design. I had the privilege of introducing this bill in the House on Tuesday, June 6, my birthday. In bringing this legislation to the House, I had the pleasure of working with members of ARIDO, the Association of Registered Interior Designers of Ontario, who support the regulation of the practice of interior design in Ontario.

I would like to take a moment to extend a warm welcome to the members of ARIDO who have joined us today: Susan Mole, Gary Hewson, Joseph Pephipas, Victor Horobin, Caroline Pinto, Lynn McGregor, Peter Grimley, Susan Wiggins and Marlin Campbell. I'd ask you to stand and be recognized.

I would also like to take this opportunity to thank Jeff Leal, the MPP for Peterborough, who worked with the association to develop this legislation. Thank you, Jeff, for all your hard work in making this legislation a reality.

What is an interior designer? The purpose of the Interior Designers Act, 2006, is to establish a regulatory framework for the profession of interior design in this province. I want to make sure that everyone knows what we're talking about when we refer to the practice of interior design.

Interior design is not, as some people assume, interior decorating. Interior design is a multifaceted profession in which creative and technical solutions are applied to create the interior environment. Designs must adhere to building and fire codes as well as other provincial and

federal regulatory requirements and encourage the principles of environmental sustainability.

Interior design includes a scope of services performed by a professional design practitioner, qualified by means of education, experience and examination to protect and enhance the life, health, safety and welfare of the public. It plays a valuable role during the demolition or management of a renovation of a space, including the fitting out and refurbishing of the building's interior space.

Unlike interior decorators, interior designers submit applications, drawings and specifications for building permits on a regular basis. Interior designers are required to possess considerable specialized knowledge of fire codes, building codes, material flammability and toxicity issues. They are trained to create barrier-free designs that ensure the ease and protection of the public, including access for the disabled. This will become increasingly important over the next several years as we find cost-effective, ease-of-use solutions for Ontario's aging population.

This legislation is about regulating a practice that significantly affects the health and safety of the public who utilize and occupy public interior spaces—whether it's you and your staff in your office, your family out enjoying an evening meal at a restaurant or your weekly routine stop at your local bank—public spaces that we use everyday, including corporate offices, hospitals, airports, restaurants, shopping malls and academic institutions.

Unfortunately, interior design is currently an unregulated profession in Ontario. There are no restrictions on who may practise the complexities of interior design. This puts the public at risk.

Businesses understand the value of having qualified professionals perform interior design services. They understand the efficiencies that result from having certified practitioners design their public spaces. All Ontarians should be entitled to know that the interior design professionals they choose to work with are qualified.

With the passing of this bill, only qualified practitioners will be authorized to design public interior spaces or represent themselves as interior designers. ARIDO has been working towards this end for a very long time. For more than 72 years, this association has represented the interests and profession of interior design. Their mandate has been to serve the interests of both the public and the interior design industry.

In 1984, ARIDO was given the authority to set standards and regulate its membership under An Act respecting the Association of Registered Interior Designers of



Ontario. Currently, those who choose to belong to ARIDO and use the title "interior designer" must meet education standards and internship requirements, as well as pass standardized North American examinations. Members of ARIDO are also required to carry professional and general liability insurance, adhere to a code of ethics and standards of practice, and participate in a mandatory continuing education program.

Because of ARIDO's high standards for membership, practitioners are also recognized under the Ontario Building Code Act in the definition of designers. As such, they are subject to much the same qualification requirements as architects, engineers and building officials.

However, ARIDO's efforts to protect the public can only go so far. They have no authority to either regulate non-members or impose sanctions upon those who practise without meeting the appropriate qualifications. What ARIDO requires is standards of practice embodied in an enforceable code of ethics and the means to discipline a practitioner.

This proposed legislation provides the authority to regulate individuals who practise interior design without the necessary qualifications, as well as to regulate interior design practitioners who do not adhere to professional requirements. That is why it is so important to debate and ultimately pass this legislation.

**1010**

Although there is a law that protects the title of "interior designer" in Ontario, there is no protection to prevent an unqualified person from practising interior design, as long as they do not call themselves an interior designer. This is confusing to the public. It is also potentially dangerous for public safety.

By providing a legal definition of the scope of the practice, this legislation will help the consumer differentiate the responsibilities and services of each of the design professions. It will allow consumers to choose the appropriate design professional.

Consumers will benefit from this legislation, as it ensures standards of competency and continued professional development. It will provide an enforceable complaints and discipline process for consumers who require it.

Nova Scotia recognized the importance of regulating the practice of interior design. In 2003, they became the first province to regulate it. Within the United States, there are currently 26 states with this type of legislation in place.

The framework for regulation proposed in this bill is comparable to other similar regulatory professions in Ontario, such as architects and engineers. The key component is defined scope of practice for interior design. As I noted earlier, the work of the interior designer relates to changes to the interior of a building consistent with the building code. The types of buildings covered by this bill are set out in table 2.3.1.1 of the Ontario building code. This bill does not affect residential and small business spaces under 6,450 square feet.

It follows the principles of the Ontario building code, which sets out specific types of buildings that already

require the services of an architect or engineer for structural purposes. The legislation will only require the services of an interior designer for buildings where the services of architects and engineers are currently required. However, there is nothing in this proposed legislation that affects the rights and obligations of professional engineers under their respective legislation.

The bill provides for three categories of practitioners for interior design. The legislation will enhance public protection by providing for a clear designation to be used by qualified, regulated practitioners only. Section 4 continues the protected of the title "interior designer" by limiting it to practitioners that are qualified and registered by a ARIDO.

The proposed legislation outlines the membership and registration process for the newly authorized association. The proposed legislation also establishes a governing council, which will consist of nine to 20 certified practitioners. There will be an additional three to five lay people appointed by the Lieutenant Governor to represent the public interest. There will also be three committees created: a registration committee, a complaints committee and a discipline committee.

The council will have the power to appoint a registrar to conduct investigations and to do things which self-regulated professions are required to do to regulate a profession.

Mr. Speaker, is my time coming to end here?

**The Deputy Speaker:** Yes.

**Mr. Peterson:** In conclusion, there is a compelling case for regulating the practice of interior design in Ontario. It will ensure and enhance public safety and health, as well as consumer protection.

**The Deputy Speaker:** Further debate?

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to join in the debate with respect to Bill 121. The member has brought forth a bill that certainly deserves more debate. I think that this is a bill that should go to committee, because I think it's important that we deal with all the issues and make sure we have an understanding of exactly what the impact of this bill is. This bill definitely will have impact with respect to building in this province, because it could potentially add even more to the cost of the building cycle. As we know, in terms of building the types of buildings that the member's proposing, an architect is required on those particular jobs, and also professional engineers. So with what he has put forth here under clause 2(2)(b), the bill regulates the practice of interior design but excludes most residential buildings, such as residential buildings under 600 square metres or 6,450 square feet. I'd like to hear from Mr. Peterson or from the profession as to what would justify the building type and size thresholds that were chosen. Why were they chosen at that particular size and that type of building? I think it's important for us to have a discussion on that in terms of what we are trying to deal with here.

The justification for the bill is to enhance public health and consumer protection, along with restriction of entry



into interior design as a profession. However, there is no tangible evidence provided to us as legislators as to why the bill is needed to achieve these objectives. I have not seen anything in the bill specifically that increases public health and consumer protection measures. They are absent in the bill in terms of exactly how those are going to be achieved and how they are going to be specifically set out.

The statutory requirement to use an interior designer will lead to, in my opinion, increasing building costs. I haven't seen any input from the building industry with respect to this particular bill, and obviously that is going to be needed in terms of our being able to fully assess this bill objectively.

As I indicated also, the restriction on the practice of interior design—I know my friend from Beaches-East York indicated there was a meeting with Mr. Peterson yesterday with respect to the AATO, dealing with the concern of architectural technologists about the definition of “interior design” under section 2, in terms of that particular definition infringing upon the work of architectural technologists. That's important, because the bill restricts entry into that particular profession, interior design, and I don't think we are here as legislators to cavalierly and arbitrarily pass a definition which is going to infringe on the work of other professions unless we understand why that would be done and whether there is any real public interest that it's important for that to be done.

What we are talking about here is self-regulation of a profession—that is also part of the bill—and in my opinion, being the critic for government services, self-regulation of a profession should be designed to protect the public as its main objective when we are dealing with this. But this bill focuses on restricting entry into the profession and mandating the use of the profession on building projects. It's very specific in terms of what it wants to do and how it's going to do that.

It's very clear that this is going to have an impact on the building trades and how we do building in this province. It's also going to have an impact with respect to dealing with the restriction of people who can enter into this profession under the guise of self-regulation but also mandating that you have to use interior design professionals along with architects and professional engineers.

That has got to be discussed in terms of what the public interest is with respect to that. I'm not going to accept saying here, “Oh, yes, it's in the public interest and it's for consumer protection,” when the bill is absolutely silent with respect to those types of protections as to what it can do for the public. We need to know that. As I indicated earlier, we also need to know, and we have to assure ourselves as legislators, that this bill is in the public interest and is not going to restrict other professions in terms of the type of work they already do. We can't just allow that to happen unless there is a clear demarcation in terms of the types of skills that are going forward.

I'm sharing my time with other members of my caucus. I'm open to public hearings on this, but I want to make sure that this bill is fair, is in the public interest and that there is actually tangible evidence that it will protect the public.

**Mr. Jeff Leal (Peterborough):** It's indeed a pleasure for me today to make some remarks on Bill 121, An Act respecting interior designers in Ontario. I want to thank my colleague from Mississauga South for bringing forward this very important legislation. I know the member's interest in business in Ontario comes from a very distinguished family. His brother David, of course, was Premier, and his brother Jim has had an outstanding career as a federal member of Parliament. When you go back to the history of London, C.M. Peterson Electronics is a very successful manufacturer and distributor of electronics in the province of Ontario. I know Pete and Marie Peterson are very proud of their three sons, who have made a great contribution to public life here in Ontario.

**1020**

This is a very important piece of legislation, and we look forward to sending it to committee for further review. If passed, Bill 121 would regulate the practice of interior design in the province of Ontario. It would regulate interior design in buildings generally used by the public, and not residences or small businesses. It will not affect the work of interior decorators, architects or engineers in the province. It will give self-regulatory status, similar to architects and engineers, to the profession of interior design. It will also designate the Association of Registered Interior Designers of Ontario to be the regulating body, which I think is very important, and allow ARIDO to register qualified practitioners, both as individuals and businesses, and to protect the consumers, which is very important, through a complaints and discipline process that would be implemented by the umbrella body.

As parliamentary assistant to the Minister of Energy, I also believe that this legislation, in working with ARIDO, can play a big role in developing the conservation culture of the province of Ontario through both creative designs and applications. Interior design includes the development of public interior spaces ranging from corporate offices to restaurants, retail stores and shopping malls, health and long-term-care facilities, academic institutions, airports, detention centres and other public facilities here in the province.

Interior designers coordinate and collaborate with other allied design professionals who may be retained to provide consulting services, including but not limited to architects; structural, mechanical and electrical engineers; and various specialty consultants.

Interior design includes a scope of services performed by a professional design practitioner, qualified by means of education, experience and examination, to protect and enhance the health and safety of the public within public interior spaces in this great province.

An interior designer identifies, researches and creatively solves problems pertaining to the function, safety and



quality of the interior environment in this province. Interior design decisions are made regarding health and safety, including the complex issues of indoor air quality, space planning, design for special-needs populations—it certainly takes into account Bill 118, the Ontarians with Disabilities Act—fire safety fabrics and other materials, relevant codes and standards, and product durability and quality, such as lighting, colour and other things.

Interior designers must consider and utilize proper interior materials. They are specially trained in the use of interior materials, the properties of which include flammability and toxicity, and are uniquely qualified to select interior finishes for furniture, fabrics and carpets that comply with or exceed minimum code standards.

Interior design in Ontario has evolved over the past 70 years. Ontario is one of seven provinces with title protection for interior designers. In 1999, title protection legislation in Ontario restricted the use of the title “interior designer” to those individuals who meet the qualifications set by ARIDO.

Currently, to join ARIDO, individuals must meet requirements similar to other self-regulated professions in Ontario, including seven years of combined education, supervised internship, rigorous North American examinations, mandatory continuing education and insurance coverage, and a strict code of ethics and standards of practice.

I believe it is in the public interest of Ontario that Bill 121 be passed. The province of Nova Scotia has similar legislation, and by going to committee, we’ll be able to call upon other jurisdictions not only in Canada but in the United States that have brought interior design and made it a self-regulatory body. I think this is an exciting piece of legislation for the people of Ontario.

**Mr. Robert W. Runciman (Leeds–Grenville):** I’ll ask one of my colleagues to nudge me when I use up my allotted time.

I rise to speak in support of Bill 121. I don’t profess—and I doubt anyone in the assembly would—to be an expert in this area. But I’ve certainly had an opportunity to become somewhat better informed over the last period of time when I had the opportunity to sit down with representatives of the interior design organization, which is known as the Association of Registered Interior Designers of Ontario, ARIDO. I was very impressed, not only with the individuals with whom I met, but with the scope of the work they do within their profession and the complexity of much of the work they do, looking at some of the large-scale commercial or residential buildings they’re involved with, and working with the other professions, whether it’s the structural or electrical engineers, the architects and others. It is complex, intricate work.

When you look at the training required to carry out those kinds of responsibilities, I think it is important that we have people representing the best interests of the consumers required to have that kind of accreditation and that kind of experience. I think it’s been referenced here earlier that joining ARIDO requires four years of university training and three years of internship before you

can qualify for membership currently, which is a voluntary membership, or three years of college and four years of internship. So I think the track record with respect to this organization is commendable indeed.

I know my colleague from Barrie put on the record a number of concerns. With respect to whether or not this legislation is in the public interest or provides consumer protection, I would suggest that’s arguable, debatable. Looking at some elements of this legislation, I think they clearly are in the best interest of consumers in providing additional protection from the complete, in many respects, lack of protection in the current environment. We talked about competition and sort of freezing off the market. Well, I don’t look at it from that perspective. I look at it in terms of protecting the individual or the family who is purchasing services and is not, in many instances, aware of just who they’re retaining, what their qualifications are and the quality of work that will result from retaining that firm or individual.

At the end of the day, I think this legislation addresses that in a very effective way in making those distinctions between an interior designer and someone who calls himself an interior decorator. I think there’s significant confusion amongst the public if you’re looking for that kind of service. So I think that does address this. If the bill is passed and the board is established, the governing council, it will require three members of the public to sit as members of that governing council. It’s going to have a complaints and discipline process as well built into the self-regulating authority. Those are initiatives which I think should be recognized as very significant steps forward in terms of consumer protection.

One of my colleagues, when we discussed this earlier, was talking about the concerns about small business and requiring small businesses, or when they are building residences—the requirement to retain someone with this professional designation. I think that’s another false concern that doesn’t stand up to scrutiny when one takes a careful look at the legislation.

I know it does talk about residential structures of less than 6,450 square feet. I gather one concern, and we may hear about this if and when the bill goes to committee—I heard a news report recently about the growth of these megahouses, these monster homes which would certainly exceed the 6,450 square feet. I’m personally offended by these monster homes coming into many of our residential areas, people trying to exhibit their new-found wealth, or whatever their reasons are.

Mr. Speaker, I’ve utilized my time. I want to save some for my colleague. I support this. I think it’s a good step forward. If there are concerns or there’s tweaking that has to occur, the committee process will address that.

1030

**Mr. Michael Prue (Beaches–East York):** I rise to support Bill 121 and to commend the member for Mississauga South for having brought the bill forward. I must state at the outset that this is probably the single largest private member’s bill that I have seen in my five years in this House. It runs some 22 pages. It’s in



intricate detail. I wondered how Mr. Peterson, the member for Mississauga South, would have found all the time and all the expertise to do this. It's obvious, though—I found out later—that it was prepared by the architectural technologists themselves, by a crack group of public people and lawyers and everyone else. But that's not for one second to take away from what he has tried to do here. Those who prepared the bill are to be commended as well.

The contents of the bill: It's clearly necessary, in my view, to regulate this profession, as it is so clearly necessary to regulate many, many professions in this province. As we become more technologically inclined, as professions have spinoff groups—and quite literally all of them have; everything from dentists spinning off to denturists, doctors spinning off to nurse practitioners, architects spinning off to architectural technologists; it's happening all over the place—we have to make sure that these groups that are not covered by regulations, that are not covered by their own schools or by their own bodies that can regulate them, have some kind of government legislation in place.

Quite clearly, this government and other governments previous to this one have done a great deal of work around this issue. There's been a slew of bills and cases. I think probably the most famous one in the last couple of years was the whole argument around whether or not certified general accountants should be licensed and have the same kind of authority as what were considered their more senior counterparts, the chartered accountants. We also had the mixture into that of the certified management accountants. It was all resolved in a bill, very similar to this one, which brought the whole thing together. It appears in large part to be working, and I know that there will be some additional tests forthcoming this year. As a matter of fact, it was even in the *Toronto Star* today, talking about the fallout from that bill and how it was impacting on the certified accountants' lifestyles and bills and what they were doing for a living and how CGAs and CMAs are fitting into that.

I also know that we have been lobbied in this Legislature by dentists and denturists and people who do oral hygiene around how similar types of bills can and must work, if people are to do the kind of health-related work. We have the same kinds of arguments going on, as I said, between doctors and nurse practitioners. Most recently, there's been much discussion in this Legislature from lawyers and paralegals, trying to regulate paralegals and whether or not the Law Society of Upper Canada should be the instrument by which those paralegals are regulated.

Having said that, there are some cases where I think, in our zeal to do this regulation, we have gone too far. One of those that quite clearly comes to mind is the whole issue around the building inspectors and the architects, which was passed by the previous government in the House around the building code. Today, architects are having to take courses and tests and keep up with building codes and have the same function as a building exam-

iner. I understand this is quite onerous, particularly on architects who work alone, who have their own small office in their home or who are single proprietors and are having to write tests and study for continuing examinations, whereas in the past this was done by building code officials and by engineers. We have put them at some considerable disadvantage. I want to make sure that when we do this bill, we do it correctly so that all of the parties who may in fact be involved get it right and that we do not impinge upon any of the other groups that may be affected.

I have carefully read the bill and I believe that it strikes, in most aspects, a very good balance—most especially section 4, which does not in any way impinge upon architects or engineers, so that they can continue to do what they do: to perform many of the functions this bill will give over to the ARIDO.

I did read some of the notes that Mr. Peterson's office—the member from Mississauga South—was kind enough to forward to us. They made a statement in there that groups had been consulted in great respect and were happy with it, those being the architects, the engineers, the engineering technologists and the building officials. But it also claimed that the AATO, the Association of Architectural Technologists of Ontario, had been consulted. So I was quite surprised this morning when I arrived at the office to see that there was a call on my message service. It was from a Mr. Andrew Bennett, the president of the AATO, who told me that yesterday he had an opportunity to meet with the member from Mississauga South and that the AATO in fact is very concerned about some of the provisions of this bill. They do not believe—at least not in my discussion and my staff's discussion with him this morning—that they have been properly consulted, and they do feel certain sections of the bill will impinge upon their freedoms and upon their work and upon their ability to do their job.

I said at the beginning that I intend to support this bill, but I am hoping that, should it pass later today and if it is sent to committee, this can be looked at. I want to make sure that in no way is this bill going to take away from the livelihood of a group that is already recognized in Ontario, that is also doing considerable good work in their relationship with the architectural community, and that in passing this bill, we are not going to do anything that is going to upset their work or the work levels they have. Having said that, I will support this, and we will, if necessary, make the necessary amendments in committee to ensure that two of the provisions they found in this particular bill are remedied.

The biggest reason I have, and all of us should have, to support the bill is that it has the potential—not within the four walls of the bill, but it has the potential to protect consumers. Consumers need to have protection. This is a \$4-billion-a-year industry, it is people spending \$4 billion and expecting goods and services in return that are of a quality nature, that are properly rendered, that will meet all of the other building code laws, the architectural



laws and the engineering laws of the province. And there is no law in place defining who may practise.

Prior to politics, I worked in the federal immigration department for some 20 years. I want to tell you, there was no law in place there for who could practise immigration. Anybody—literally anybody—could hang up a shingle outside their office and claim to be an immigration consultant. I'm sure that today anybody can hang a shingle outside their office and claim to do the kinds of work this bill is going to regulate. I remember, back in those days, all of the people who would go to an immigration consultant, thinking they were buying quality service, and getting some of the worst advice that anyone could possibly, in their entire life, get. The advice was ridiculous beyond belief. The fees charged were enormous. Immigration consultants regularly, routinely and almost universally counselled their clients to lie. This was what was happening out there because there was no regulation. Ordinary, poor people would come with the hope of trying to move to Canada, to immigrate to Canada, to stay in Canada, and were ripped off literally for hundreds and sometimes thousands of dollars. The consultants themselves did far more harm than they ever did good. It took years, but that profession is now self-regulating and the cases of abuse that existed some 20 years ago are no longer happening. It became self-regulating because people looked and saw that there was a necessity for doing it.

1040

That's why bills such as this one are absolutely important. The public needs to know, number one, who has been trained. They need to know who is licensed. More importantly, they need to know who is not licensed. If you are armed with that kind of information, then you can make a wise decision. You can make a wise decision on any type of building, you can make a wise decision on who has the experience or the credentials and you can spend your money and get the quality of result that you expect for it.

I looked through the bill and through the compendium and the notes that the member from Mississauga South sent, and it was quite clear that one province has already moved in this direction, the province of Nova Scotia. We also know that there are some 26 US states that have similar laws on the books. It's clear to me that the overwhelming bulk of interior designers are in Ontario—it's clear. If you look at the \$4-billion industry in Ontario, there are probably far more architectural—excuse me, I keep going back to architecture—far more interior designers practising in Ontario than probably anywhere else in Canada, maybe as many as are practising in all the rest of Canada.

We need to ensure that this profession is regulated and we need to do it for many reasons. Number one is to make sure that the people are competent. I do not want people hanging out a shingle in any classification or for any job who are not competent, especially people involved in building and building materials. So we need to know that.

We need to set minimum education standards, which this bill will do, so that you can't just simply take a course for a couple of hours and say that you know what you're doing. We need to know that people have experience and there must be a length of time for which they must practise or study or intern before they can be licensed. We need to know that there are proper examinations, so that nobody can hang out a shingle and do the work of interior design unless they have passed an examination and, in effect, have a certificate to hang on the wall. We need to legislate and look at the practice. We need to have a code of ethics so that people, if they think they have been ripped off, know what the code of ethics is, know what to expect and know whether or not their interior designer has met that.

We need to have a complaints process that is driven, so you have somewhere to go where you have someone to complain to, and we need to have a complaint department that can actually act on it, either to get the complainant's money back or, in some cases, to discipline those who have stepped outside of their profession of interior design or who have made egregious errors. We need that discipline process to be fair. We need it to be transparent. I looked through the bill and it appears that most of that is contained within the body, within the four walls of the bill.

Again, I come back to where I began. We intend to support this bill. We think the bill is overdue. We think the bill is an important bill. We do have the problem raised by Mr. Andrew Bennett, the president of the AATO, and I'm hoping that the member from Mississauga South can address that at the end, but I don't think it's insurmountable. It's certainly not enough for me to say that the bill ought not to go forward. If that can be resolved in committee, so be it. That's where I expect most of the work and any tinkering will be done. We need to hear from literally everyone who may be impacted, be they architects, engineers, technologists or building officials, to make sure that every provision of this private member's bill, which, as I said, is the largest I've ever seen before, is correct. Thank you very much.

**Ms. Kathleen O. Wynne (Don Valley West):** Thank you very much to the member for Mississauga South for bringing this legislation forward. I have to say, when I first encountered this issue, I was campaigning in 2003 and I arrived on the doorstep of a number of constituents—actually a surprising number—in Don Valley West who raised the issue with me. It's not something that I was aware of.

My children will tell you that I'm not a visual person. I have to see the colour on the wall, I have to see the fixture in place before I can imagine what it's going to look like, because I can't imagine things out of context. When I go into a lighting store, it's just all a big blur to me. I would have to rely on people in this profession for that blend of functional practicality and aesthetics, and I want to come back to that balance, because I think that's part of the maturing of the profession and the maturing of our culture. I want to make that argument.



In terms of this legislation, I'm very glad that it's come forward. The arguments have been made by the previous speakers that there are 26 jurisdictions in the United States that already have this legislation and that Nova Scotia has moved it. I think those are compelling arguments and, as the largest province in the country, we need to be looking at codifying some of the things that are, to some extent, in place for some interior designers.

I just want to lay out the framework of the legislation, because people have referred to bits of it. The purpose of this legislation is "to regulate the practice of interior design in Ontario in the public interest." There are a number of places in the legislation where I think the public interest is protected. Section 2 of the bill, for example, defines the practice of interior design and talks about the specifics of what that practice is: preparation, implementation, evaluation and review of "a design respecting the construction, demolition or management of the enlargement, alteration ... fitting out or refurbishing of the interior space of the whole or part of a building." And just as other speakers have said, we're talking about buildings that are largely public. This is public space that we're talking about.

The other thing this bill does is prohibit a person from using the designation "interior designer" or "interior design," and that's a point the member for Beaches—East York referenced. People need to know who is and who is not an interior designer. This bill would prohibit the usage of that designation unless the person is registered by the association. So it sets up a body that would make those determinations.

Section 28 of the bill continues the Association of Registered Interior Designers of Ontario—ARIDO—as that body corporate responsible for governing the practice of interior design in Ontario. I think it's important there to recognize that ARIDO is already doing this in terms of their membership. What I got from my conversations with the members of that association in my constituency is that we're looking at codifying something that is already happening for a large number of people in the province. The problem is that there are people who fall outside of ARIDO who still call themselves interior designers, and we need to make it clear who is and who is not. ARIDO is already competent in doing this work, in setting standards and making sure that their work is compliant with the other statutes and the building codes and so on in the province. So we need to recognize ARIDO, I believe, as the body competent to do this work and be the regulating group, and that's what this legislation does.

Section 31 provides that the association is governed by a council and then lays out the composition of the council and how those council members would be appointed. Section 45 provides the council of the association with a broad range of regulation-making powers relating to self-governance.

I certainly take the point from all the members who have spoken that having a broader discussion about this bill in committee would be a good thing, and I think

that's certainly something that the association would welcome. So I do hope that this legislation can go forward.

I want to talk just for a moment about some of the specific sections that I think deal with the public interest. Ontario's titles act—the member for Peterborough referenced this—restricts only the use of the title "interior designer"; it doesn't limit who can practice interior design. It's not a distinction that the general public would be aware of, but it is a distinction that's important in the practice of creating an interior space that's safe, and I think that in this case safety is the critical issue.

#### 1050

The other piece is that the legal recognition of the profession through the proposed act will ensure that the public can distinguish between who's qualified to undertake the full scope of interior design projects and who's not. There may be people who are qualified to do a bit of what an interior designer is trained to do, but not the full scope. I think that public interest piece is critical.

Section 2 of the bill is where the scope of practice is defined. I know the member for Barrie—Simcoe—Bradford was concerned about impingement on other professions, but I think the legislation is pretty clear about what the scope of practice is. I won't read the whole section, but just in part:

"2(1) A person practises interior design when the person,

(a) prepares, provides or implements a design respecting the construction, demolition or management of the enlargement, alteration, configuration, fitting out or refurbishing of the interior space of the whole or part of a building, including without limiting the foregoing, finishes, fixed or loose furnishings"—those are the things I can't see until they're actually there—"equipment, fixtures and partitioning of space, and related exterior elements such as signs, finishes, glazed openings used for display purposes, the whole as may be further prescribed in the building code..."

That, for me, is a very important part of this legislation: the relationship between what the interior designers do and what the building code prescribes. It's very important that these people are experts in the building code in terms of these interior spaces.

It has been noted that the design industry contributes over \$4 billion to Ontario's economy. I think increased social expectations for health and safety are really driving the need for regulation in this profession. As we build more spaces and as we're more aware of what the health and safety implications are, we need to have this regulation in place.

The last piece I want to talk about is this balance between the aesthetic and the functionality, the balance of practicality, efficiency and aesthetics. Not all of us are able to describe why a building or a particular space makes us feel a certain way. We're not all able to pull apart the different features.

Last weekend, I was fortunate enough to go to the new opera house in Toronto, and it is a fabulous building. I know I'm going to blur architecture and interior design



here just for a minute, because, again, I can't pull apart the pieces, but obviously an interior designer has worked very closely with the architect in creating the space. Even though the shape of the building works beautifully and makes one feel that one is in a small space, I know that the particular materials that have been used—the warmth of the wood, the colors on the wall—felt like a very Canadian building to me. I don't even know if I could describe that, but there's something about the light in the building and the use of the materials that made me feel safe and at home, like it was part of who I am. That's the aesthetic. I wasn't worried about the safety; I assumed the building was safe. But for me, the aesthetics of it—the light and the warmth and the way it all worked—were critical.

I think the maturing of the profession reflects the maturing of our culture. We go to other countries in the world where buildings have been up for hundreds of years. We don't have that luxury in Ontario, so I think it's really important that we start building for the future, that we build our heritage now. I think it's very important that we have people who are trained in combining that aesthetic and that safety, and that's what this legislation is about. I want people who are working with our architects and engineers who understand that, and who understand how to do those things that will make us feel proud of our buildings for generations to come.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I rise today to support Bill 121, An act respecting interior designers. I commend the member opposite from Mississauga South for bringing it forward, and welcome the members of the association and guests in the gallery today.

Bill 121 deals exclusively with public space, so it does not impact residential dwellings or small businesses at all. You will still be free to select an interior decorator or interior designer to renovate your family home. Interior design includes the development of public interior spaces, ranging from corporate offices to restaurants, retail stores, shopping malls, health and long-term-care facilities, academic institutions, airports, detention centres and public facilities. They are formally trained to prepare drawings and documents relative to the design of interior spaces in order to enhance and protect the health and safety of the public.

When they came to meet me in the office, they brought extensive drawings. I did not realize the extent of their education and what they did in their profession. So it was enlightening for me, and I think the time has come for them to be self-regulated, which is one of the purposes of the bill.

As a nurse and health care professional before, I can tell you that from the hospital or clinic experience, it can make a difference how inviting and comfortable the space is. It needs to be functional. Materials need to minimize the growth of bacteria, need to withstand the sanitation process and be non-allergic. These are the skills that interior designers can offer to projects, skills that enhance the well-being of our communities.

If a patient needs to be transported, you have to have the stretcher width in the hallways. We were sometimes asked for input, as nurses, from our practical experience when they were doing expansions of the hospital. Interior designers assess and anticipate all these needs and are able to draft a schematic to meet these needs. You want to have well-trained individuals responsible for designing an exit strategy in the event of a fire. They bring a knowledge base to this.

Ontario is one of seven provinces with title protection for interior designers. It was back in our government's time that we introduced title protection in, 1999, to restrict the use of the title "interior designer" to those individuals who met the qualifications of their association, which is the Association of Registered Interior Designers of Ontario. Since that time, the profession has expanded, it's grown, and now Bill 121 will provide the interior designer community with the same self-regulatory status that exists for architects and engineers.

I was very amazed at the statistics. We have one of the highest numbers of interior designers in Canada, and are among the top 10 jurisdictions across North America. It was just an amazing statistic to me. The design industry contributes over \$4 billion to Ontario's economy. The individuals who currently join ARIDO and meet the requirements are similar to the self-regulated professions in Ontario, with seven years of combined education and internship. They have a lot of qualifications behind them. I'm in full support of them self-regulating their profession.

Concerns have been brought forward by different members and that's why we're having second reading debate. We're starting to initiate some of those concerns. We're asking that it certainly be sent to committee so that all the other professions and the community can contribute to decisions to make this bill final, and hopefully bring it back for third reading with a consensus from all those interested parties.

I'm running out of time. I again commend the member for bringing this forward and the association for continuing—I know it sometimes takes a long time, and you've been a long time trying to bring this into the Legislature, to get it right. When we see it go to committee, there will be opportunity to comment and make changes as needed. I hope all members of the Legislature will be in support of the passage of this.

**The Deputy Speaker:** Mr. Peterson, you have two minutes to respond.

**1100**

**Mr. Peterson:** It's a great pleasure to wrap up. May I start on a personal note and thank the member from Peterborough for the personal notes about my parents. They are a very special influence in my life and have contributed greatly to Ontario. I always appreciate them being mentioned.

To the members from Barrie–Simcoe–Bradford, Leeds–Grenville, Don Valley West and Haliburton–Victoria–Brock, I very much appreciate their comments, and yes, we will be referring this bill to committee.



It is the desire of ARIDO to be inclusive in having all qualified people who practise here in Ontario included in it. This is not an exclusatory act; it wants to be inclusive. I must say I'm very impressed by the quality of their membership. I think the member from Beaches–East York got it best when he said, "Peterson couldn't write a bill with 26 pages himself." It's the great quality of the people here who put this bill together and made this the professional document that it is. We will refer it to committee to make sure that the best of people practising interior design are allowed to practise and that everybody is included in that practice. The strength of an organization is in the strength of its numbers and its quality, and this bill is here to assure that.

I think it's also wonderful that this organization has come forward to regulate themselves. Too often people come to government and say, "We want you to do something for us. We want you to discipline us." I see it as a much better role for organizations to come forward and say, "We are capable of managing ourselves. We are professionals. We have the ability to work with ourselves and to control an industry." As other members have pointed out, what a large and successful industry this is in Ontario.

I look forward to taking this to committee and I look forward very much to this bill passing today, and I really appreciate your support. Thank you very much.

SEXUAL HARASSMENT  
AWARENESS WEEK ACT, 2006  
LOI DE 2006 SUR LA SEMAINE  
DE LA SENSIBILISATION  
AU HARCÈLEMENT SEXUEL

Mr. Hoy moved second reading of the following bill:

Bill 110, An Act to proclaim Sexual Harassment Awareness Week / Projet de loi 110, Loi proclamant la Semaine de la sensibilisation au harcèlement sexuel.

**The Deputy Speaker (Mr. Bruce Crozier):** Pursuant to standing order 96, Mr. Hoy, you have up to 10 minutes.

**Mr. Pat Hoy (Chatham–Kent Essex):** In memory of Theresa Vince, I bring forward Bill 110, An Act to proclaim Sexual Harassment Awareness Week, for second reading. This bill will proclaim each first week in June as Sexual Harassment Awareness Week. The objective is to raise public awareness, foster change in societal attitudes and behaviour, and prevent another tragedy from occurring. This proclamation is in keeping with the jury recommendation at the inquest into the workplace murder of Theresa on June 2, 1996.

I'm honoured to have Theresa's family, friends and advocates here in the members' gallery today to support Bill 110. I would like to thank Jim Vince, Theresa's husband; and her daughter, Catherine Kedziora. Also with us are Michelle Schryer, executive director of the Chatham–Kent Sexual Assault Crisis Centre, and Joy Lang, community liaison officer for the Centre for Research on

Violence Against Women and Children at the University of Western Ontario. I thank you for your support. Bill 110 also has the support of the Sexual Assault and Violence Intervention Services of Halton and the Ontario Coalition of Rape Crisis Centres.

I pay special tribute to the Vince family who, over the last 10 years, have never stopped advocating for changes so that other families may be spared the grief of losing a loved one in a preventable tragedy. Their strength, courage and tenacity have made the Vince family pillars in our community.

I had the honour and privilege to attend a memorial for Theresa on June 2 of this year. It marked the 10th anniversary of her death following a workplace sexual harassment. She had been sexually harassed for several years by her direct supervisor before he killed her at work. Her death shocked the entire community and exposed a serious problem that cannot be ignored any longer.

In 1991, the federal government designated December 6 as a National Day of Remembrance and Action on Violence Against Women. Provincially, no province has proclaimed a Sexual Harassment Awareness Week. If Bill 110 becomes law, Ontario will become a leader in this much overdue step to protect women against sexual harassment.

What is sexual harassment? According to the Ontario Human Rights Commission, sexual harassment means that someone is bothering you by saying or doing unwanted or unwelcome things of a sexual or gender-related nature. For example, someone who makes unwelcome sexual or gender-related remarks and gestures by touching you inappropriately, making offensive jokes or remarks about women or men, making sexual requests or suggestions, staring at you, making unwelcome comments about your body, displaying sexually offensive pictures or being verbally abusive to you because of your gender. Sexual harassment does not have to be sexual in nature. It can also mean that someone is bothering you simply because you are a man or a woman. Making stereotypes about one gender or another can be a form of sexual harassment. It is prohibited under all human rights legislation in Canada, yet it remains a major concern. The Ontario Women's Justice Network reported that 80% to 90% of Canadian women will experience sexual harassment at some point in their working lives. While sexual harassment often occurs in the workplace, it may also take place outside of a work setting. It could occur at a school, within an association, while travelling on business or a business function. It occurs in large and small organizations.

Women file significantly more sexual harassment complaints than do men, although women make up nearly half of the workforce in Ontario. Sexual harassment is a form of violence against women. More public education is required to address this problem. According to a report called *Assessing Violence Against Women: A Statistical Profile*, commissioned by the Federal-Provincial-Territorial Ministers Responsible for the Status of Women, "Violence against women is a serious and pervasive



threat to women's health, with detrimental social and economic consequences for society."

Sexual harassment interferes with a woman's safety, her dignity and her equality. It creates long-term emotional, physical and economic consequences for women. Theresa's death will never be forgotten and is a very tragic example of the seriousness of the consequences flowing from sexual harassment. Some of the experiences I read about while researching this topic are too horrific to repeat. A study of all sexual harassment complaints filed by the Canadian Human Rights Commission over a 17-year period showed that women filing sexual harassment complaints were no longer in the job they were originally in when the harassment occurred. One of the victims writes:

"I was so messed up.... I had been in remission and now thanks to him, my health has been jeopardized. I have lost my self-respect, my confidence and trust in others. He has taken away a part of me. No one should be made to feel this way. All I ever wanted was to make something of myself, be a success. Now I have to start again."

I attended a meeting in London some years ago, where a woman gave her history into a sexual harassment case. It was truly horrific. I have never reported her account to anyone else. It is just simply horrific, and in my mind bordered very close on torture.

As stated in the 2001 federal, provincial and territorial ministers' report, Women's Economic Dependence and Security, "Sexual harassment is emotionally abusive and creates an unhealthy and unproductive atmosphere in the workplace. Besides the stress, fear of physical harm and emotional damage suffered by victims, many studies show significant work-related costs to both the victim of harassment and the employer. Many women victims of harassment will use leave time in order to avoid the situation. Other women may quit their jobs. Some will stay in the job and try to ignore the harassment, often resulting in a drop in their work productivity. Sexual harassment violations are among the most frequent complaints received by human rights agencies, and are costly for employers who fail to have effective policies or do not treat such complaints from their employees or customers and clients seriously."

With her complaints not addressed, Theresa chose to take early retirement to escape her harassment. She was just days away from retirement when she was killed.

I quote a letter from the Sexual Assault and Violence Intervention Services of Halton: "A 1998 report on workplace violence by the International Labour Organization found that Canada ranks fourth out of 32 countries for the number of women assaulted in the workplace. It is well past time that the government of Ontario demonstrates, at the very minimum, an awareness of the devastation and danger of sexual harassment."

Government has a key role to play. We must recognize sexual harassment as a serious problem and work to eradicate it. We must educate and make society better, understanding that this is harmful, unacceptable and in-

tolerable behaviour. Raising awareness will have a positive impact on reducing incidents.

#### 1110

According to the Workplace Harassment and Violence Report by the Centre for Research on Violence Against Women and Children, "While some women confront their harasser, the majority of women cope in other ways, such as avoiding the harasser, denying the experience is happening and blaming themselves." Raising awareness will provide victims of sexual harassment information about resources, support and remedies available. Attitude change is a precursor to behavioural change. Changing attitude is a stepping stone to changing the actual behaviour.

We must also set an example for younger generations. Attitudes about sexual harassment against women and girls are formed at a young age. It is important that we engage children and youth in discussions about the importance of equality and respect in all our relationships. Fostering this healthy value would create a harassment-free workplace and community.

Sexual harassment can cause serious and lasting harm and, sadly, it can lead to death. Everyone should have the right to full and equal safe participation in the workplace and in the community. This bill will help to advance women's safety and equality in the workplace as well as complement the sweeping changes our government is making to strengthening the Ontario human rights system.

Sexual harassment is an issue that transcends all party lines. We in this House have the responsibility to stand up and lend our collective voices against sexual harassment. I ask all members of the Legislature to support and pass Bill 110 into law.

**The Deputy Speaker:** Further debate?

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):**

I am certainly pleased to join in the debate on Bill 110. Sexual harassment obviously is a serious issue. It's covered under the Human Rights Code. Sexual harassment is not confined to harassment against females. It also involves prohibiting harassment against males, people by their sexual orientation and also females, to be specific, so sexual harassment covers a broader spectrum than just females under the Human Rights Code. That's something that is significant and I think needs to be noted with respect to what the member is trying to accomplish here, fully understanding the background of the tragic situation that he's discussing here today.

I remember that probably the first leading case with respect to sexual harassment—because the Human Rights Code evolved over the years. There was a time when it did not cover harassment; it was amended to specifically deal with harassment. There's a specific section in the Human Rights Code that defines what harassment is. Under the Human Rights Code, harassment is prohibited on any prohibited ground, be it racial, ethnic background, religious background or of a sexual nature.

I can remember a case I was working on when I was an articling student back in the early 1980s. It was a case



involving Commodore Business Machines. It was a very serious case and it had a lot of coverage by the media because it was the first really high-profile case involving sexual harassment in the province. It was a case that led not only to a finding of sexual harassment but also to even further changes in the workplace to protect females from harassment.

I think the member is correct. We need to have more public awareness about what is allowed or what isn't allowed. As members of the Legislative Assembly, we have a policy. It's called Mutual Respect in Our Workplace: Maintaining a Positive Work Environment, which was implemented in February 2001. In the booklet, on page 6, it has a section starting, "Understanding Harassment." It deals with personal harassment, poisoned environments and, specifically, sexual harassment. I'll read it for the members today:

"Sexual harassment is defined as any unwelcome comment or conduct of a sexual nature that may detrimentally affect the work environment or lead to adverse job-related consequences for the victim of harassment. A person has a right to be free from:

"—sexual harassment by an employer, co-worker or agent of an employer

"—sexual solicitation from persons in a position of power

"—reprisal, or threat of reprisal."

Then it goes on to say, "What Does Harassment Look Like?

"Harassing behaviour is not always easy to determine. What is deemed appropriate behaviour to one person may be seen as offensive to another. Harassment is judged subjectively, so we need to be sensitive to others' standards and reactions. If you're unsure whether your behaviour is welcome, show good judgment and refrain from making the comment or displaying the action in question.

"Some Examples of Physical Harassment:

"—unwanted touching on any part of the body

"—standing too close

"—unwanted brushing against another's body

"—physical attack.

"Some Examples of Verbal Harassment:

"—racial or ethnic slurs or slang

"—use of terms"—I won't get into that too deeply here—

"—unwelcome remarks, jokes, taunts or suggestions

"—use of terms such as 'honey', 'hunk', 'babe', etc.

"—verbal abuse or threats

"—unwelcome sexual remarks, invitations or requests.

"Some Examples of Non-Verbal Harassment:

"—suggestive staring or leering

"—displays of sexist, pornographic, racist material such as pin-ups, cartoons, etc.

"—abuse of authority (e.g. discriminatory work allocation or opportunities)

"—written abuse or threats.

"Personal and sexual harassment is unsolicited, unwanted, coercive, and one-sided. The Office of the Legislative Assembly will not tolerate harassment."

We have a procedure here that deals with maintaining respect in the workplace and a procedure to deal with that particular problem. What I think the member from Chatham-Kent Essex is correct in, with respect to dealing with this, is that we need to have measures in the workplace where a person can go forward when they feel that something is happening which they don't believe is right, that there's confidentiality and most of all that there is a procedure in place that will stop anything happening that obviously could lead to something that is not what should happen in a workplace. People should be respected. They should believe that they can go to their workplace and be treated with civility and decency and the respect that they deserve. That's part of the working relationship that we have and that we should maintain in any workplace.

Unfortunately, not every employer has a policy such as that in the province. They should. It's required by the Ontario Human Rights Code to make sure that their workplace is free from sexual harassment, racial harassment, ethnic harassment—any type of harassment that is protected by the Human Rights Code. I think what's really important is to make sure that there's a mechanism in place that will make sure that the person who is being harassed or perceives being harassed can go forward, and there are some real sanctions and protections for that individual, and we don't face ourselves with a situation like we're discussing here today, which is not only tragic but something that should have been stopped in the workplace, had the employer had a policy in place to do that and that it worked.

I fully support the intentions of the member. I know that we'll have public hearings on this and certainly I would expect the Ontario Human Rights Commission, with their new chairperson, Barbara Hall, to appear at those hearings to make sure that the Legislative Assembly is comfortable that what's being proclaimed here can be followed in the Ontario Human Rights Commission's mandate.

We know that we have laws and everything, but we also have to make sure that there's an education process going forth that will make sure that sexual harassment or harassment of any type prohibited by the code—that there is not only education but there also is a mechanism in place to make sure that it doesn't happen or lead to tragic consequences as we're discussing here today.

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** I'm certainly pleased to be able to join in the debate on Bill 110. Before I get into the matter of the bill itself, I actually want to commend the member for Chatham-Kent Essex for introducing this. When it's an issue that affects, as he has said, between 80% and 90% of women, you would expect that a woman would have introduced this type of bill. I find that for Mr. Hoy to do this—I have to commend him on that.



I also want to say welcome to the family. I'm sure you're here with some very mixed feelings. It's important that this be recognized, but all the same, it brings back a lot of memories. I want to welcome you here.

1120

The bill is intended to create a week in recognition of sexual harassment, but what it does in creating that week is also the recognition of the problem. I think until we recognize that there is a problem, we are a long way from dealing with the issue. So by having a week and creating the awareness, we are going to also start dealing with the problem and try to develop some solutions.

When we talk about 80% to 90% of women being exposed to this at some point in their lives, it's an overwhelming number, and it's a frightening number for women who have to look at their future and expect to have to deal with this at some point in their work lives or in their personal lives. I know there will be people who say, "Well, why don't you just walk away? If it's a problem where you're working, just get out of there and go on to something else." But I know from my own experience in small communities like my riding, you don't just walk away to another job. It's not that easy. First of all, there's not always alternative employment available to you. Secondly, you are going to lose the seniority you have developed over the years that you've worked there. You may end up taking a cut in pay in order to do that, and economically that may be a problem for you and your family. So to simply say, "Well, if it's a problem where you're working, just get out of the situation"—it isn't that easy.

I look at this and I see this from the point of view of a mother and a grandmother. Even as a woman, I think, "Okay, I can deal with this. I'm strong and, if it happens, I can deal with this." I look at it in terms of my own daughters and my granddaughters and my grandsons and my son, because, as was stated, it isn't just an issue for the female gender. It goes right across, but it is predominantly female. I look at that and I think, "What can I do? How am I going to be able to protect my daughters and my children and my grandchildren from this kind of thing?" When you look at the stats that say 80% to 90%, that means my daughters and my children and my grandchildren are going to have to deal with this, and it is a very frightening situation.

In doing some research on this issue, I came across some studies, and I want to just read part of this into the record: "Some studies have shown that up 80% of girls in schools have experienced sexual harassment." That's at school already. That's very early. "A 2005 high school harassment study conducted by York University showed that up to 75% of the students had experienced harassment in a three-month period. Students reported effects which included depression, loss of self-esteem, delinquency and substance abuse."

I think to have to deal with that, to contend with that so early in life is terrible. And it's not just for the people it happens to, it's not just the victims, but there are others who are in the environment with them and who are vic-

timized by it too. If you're there and you're watching this happening and you're feeling helpless to deal with it, you're feeling helpless to do anything that will support the individual who is being harassed, then you are victimized as well. So even if it doesn't happen directly to a person, just by being in the same environment, that environment has been poisoned for everyone there and not just for the victim.

As I said earlier, until we recognize that there's a problem, until we deal with that—and one of the ways we can do that is by designating this week, as the member for Chatham–Kent Essex has proposed. Until we do that, we are a long way from finding solutions and dealing with ways that we can help those individuals and stop this from happening in the future.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I rise today in support of Bill 110, An Act to proclaim Sexual Harassment Awareness Week, and commend the member for Chatham–Kent Essex for bringing it forward. I would like to say that it would be nice if it was not necessary to bring such a bill forward. The member who spoke before me certainly made the point that we have to make more people aware: It does exist. That is the reason for this bill. Bill 110 will heighten the awareness of Ontarians that this issue still exists in our society and that there are steps we can take to prevent an escalation of harassment.

What is sexual harassment? It's an unwelcome sexual advance, a request for sexual favours, and other verbal or physical conduct of a sexual nature. Whether sexual harassment is from a supervisor, coworkers or customers, it's an attempt to assert power over another person. The harassment may take place in your work setting, outside of your work setting, in your home, while you're travelling on business or at a business function.

And 80% to 90% of Canadian women will experience sexual harassment at some point in their working lives. That figure is inexcusable to me. It's a startling statistic. I'm sure it's the same to all members of the Legislature.

Society has recognized that women can be anything they desire, and we've begun to truly support those goals and ambitions, but there still remain pockets of our society that do not want to see women advance and are threatened by their success.

Many employers and human resource departments have recognized the value of raising awareness of sexual harassment in the workplace. Where at one point in time it was swept under the rug, there are now specially designed training programs that provide managers and employees with the tools, knowledge and skills they need to recognize, stop and prevent all forms of harassing behaviour.

Various companies specialize in supporting organizations and companies that are committed to preventing harassment by providing a comprehensive approach to behaviour change, using program modules tied to business realities, skill-building practice and take-away tools, so there are numerous benefits to providing harassment prevention programs.



Formal programs increase the ability to assess harassment behaviours in situations before they escalate. They support the organization's overall systems and policies and reinforce the code of conduct that already exists in many places of business. Programs build skills for receiving complaints and for participating in the investigative process where the complainant can feel comfortable and without fear of company reprisal.

Programs also assist individuals' ability to understand and communicate concerns and boundaries, and this is a very important part that A-type business people often forget. They're people who have trouble setting boundaries, who want to please their boss, but do not know where to draw the line for fear of reprisal or dismissal. If people become more adept at recognizing and establishing boundaries, you can avoid a difficult situation before it can escalate into harassment.

Harassment can be a gradual process that builds over time, and the boundaries become blurred with what is often misconstrued as friendship. The difference can be felt in the pit of your stomach, when you know that something is just not right, but you feel a loss of control or guilt at that point. I hope Bill 110 will create the awareness necessary to demonstrate that it's never too late to put the brakes on, to say, "Whoa, wait a minute here. This is not what I had in mind." That takes courage, it takes empowerment, and we need to provide awareness to make that happen.

Harassment, as I said before, is not a recent development, but openly discussing it makes us more aware. Some examples have been mentioned about stares and leers and jokes. It can escalate to name-calling, calls and whistles. It starts to get much more offensive, such as derogatory pictures and materials on display, or cornering and blocking your exit and path, standing too close to you, following you home and pressuring you for sexual activity. Should it escalate further, the individual is at risk to be a victim of sexual assault.

There are serious mental health issues that are directly linked to higher rates of work-related trauma, including violence, harassment and workplace conflict. Rod Phillips, president and CEO of WarrenShepell Corp., adds that "Canadian employers cannot afford to be complacent about the sources of stress that cause and lead to toxic workplaces." Workplace homicide is the second most common cause of death in US organizations, according to figures published by the National Institute of Occupational Safety and Health. It seems that we pay attention to workplace violence in short bursts, such as the immediate aftermath of a high-profile workplace shooting. We sit up and take notice. But we have a responsibility to be concerned with violence and abuse every day. No organization is immune, and you have to have the systems in place to detect the warning signs early on.

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Bill 110 places the issue of sexual harassment in the forefront of our minds, at least for a week, and gives employers a sober second thought, with statistics that demonstrate how prevalent this issue really is, and the

programs that can help make the difference. Eliminating, or at least reducing, incidents of sexual harassment not only makes good moral and legal sense; it makes good business sense. In a recent study of 144 women and 59 men, 31% of the female team members had experienced at least one sexual harassing behaviour during the previous two years. Sexual hostility has been found to be particularly damaging for team initiatives and projects, as the acts are often hostile and overtly sexual. In a team dynamic, it's not just an issue between the offender and their victim; it's now an issue that the entire team is confronted with, and is now responsible for the outcome.

My hope is that Bill 110 will generate public information that will provide the necessary tools to help groups rise to the challenge. I can bring forward my past experience as a nurse and say I've witnessed many of the physical manifestations of sexual harassment, from headaches to nausea, ulcers, sleep deprivation, eating disorders, drug and alcohol dependency, and illness.

Obviously, sexual harassment takes an emotional toll in many ways, and when it occurs on the job, can lead to loss of income, loss of job skills, reassignment, decrease in work performance, absenteeism and inability to work.

The future effects are an inability to trust others, stress-related physical problems and symptoms, loss of job recommendations, loss of career opportunities and loss of economic opportunities.

We owe it to all those people who have experienced this to highlight this. I believe Bill 110 does that and I will be supporting it.

**Ms. Andrea Horwath (Hamilton East):** It's my pleasure to speak today in a very supportive way on Bill 110, the bill that seeks to proclaim Sexual Harassment Awareness Week in the province of Ontario.

I want to start my comments by commending the member from Chatham-Kent Essex for bringing this bill forward. The member, I know, has worked very closely with the Chatham-Kent Sexual Assault Crisis Centre in his riding. They've done a heck of a lot of work on sexual harassment and violence against women and prevention, on recommending draft legislation, and running programs and supporting women in their community who have been victimized by male violence. I know the member works closely with them and I want to commend both him and the agency for all the work they do on behalf of women in that community.

As legislators, we owe a great debt of gratitude to all our sexual assault centres across the province. They do incredible work, most times with very limited funding. They work on the front lines, constantly trying to bring us solutions and trying to tackle problems day to day that arise in their community around violence against women.

We all know that Sexual Assault Prevention Month has been with us, has been recognized every year, every May, in the province of Ontario, since 1988 when that bill was first brought forward. The proposal to designate the first week of June as Sexual Harassment Awareness Week will be giving this issue of sexual harassment the prominence it deserves and requires in Ontario.



I believe very strongly that the issue of sexual harassment needs to stand alone as an issue that faces women and others in Ontario. Sexual harassment, as we know and as we have seen far too many times, tragically, is a bit of a gateway to other forms of sexual violence against women. It has literally cost women their lives. I know that's one of reasons the member has brought this forward, specifically, and I'll get to that a little later on.

Sexual slurs and threats, rude remarks and gestures, stalking, unwanted touching, staring—these are the odious symptoms and signs of sexual harassment. Rape, sexual assault, forcible confinement and murder can be the result of those very symptoms if they continue and are left unchecked in our communities, in our society.

Sexual harassment is too often treated by society as merely an unpleasant nuisance or a crude party joke rather than a crime that can lead to devastating crimes against women. Sexual harassment is illegal in Ontario under the Human Rights Code and since 1991 has been the fastest growing area of complaints in Ontario.

We need a law in Ontario that covers all aspects of harassment, particularly sexual harassment, in recognition of the need to protect basic human rights and for people to be safe and free from harassment. In fact, members will know that I have my own private member's bill in that regard as well, which would bring sexual harassment and other forms of harassment into the Occupational Health and Safety Act in the province of Ontario, so that people can refuse to work in an environment, in a workplace that is poisoned by harassment. I want to thank the member from Chatham-Kent Essex, because I know that he was interested in that issue as well. The bill that I'm speaking of, Bill 45, would require employers to protect employees subject to harassment on the job, to investigate and to put an end to harassment in the workplace.

The member's bill is one that takes the lead on the issue of identifying sexual harassment and acknowledging that as a society we need to turn our eye to that problem if we're ever going to be able to eradicate it, and for women and others who are subject to harassment to have the support of the rest of us. In fact, as a woman, I can tell you, the statistics are clear: 80% of women, four out of five women, are sexually harassed at one time or another in their lives. That's probably no stranger to any women sitting in this House or, unfortunately, any young women sitting in the galleries. It's a condemnation of our society that we still allow sexual harassment to occur. So this member's bill, I think by highlighting that issue, will require us all to redouble our efforts to say that this is not tolerable, this is not appropriate and this is something we will not accept in the province of Ontario.

The passionate concern that the MPP for Chatham-Kent Essex brings to this issue is the result, of course, of his representing the community where Theresa Vince was killed at work in 1996 by her supervisor, who had been sexually harassing her at their workplace year after year, without her being able to get that issue resolved.

In fact, I'm going to take the time—and I'm sure the member has done it as well—to read the preamble of the bill, where he indicates, "Sexual Harassment Awareness Week is being proclaimed in memory of Theresa Vince, who was brutally murdered in Chatham by her workplace supervisor. For years, Theresa Vince was a victim of ongoing and persistent sexual harassment perpetrated by her supervisor.

"The first week of June has been chosen as Sexual Harassment Awareness Week because June 2 marks the anniversary of Theresa Vince's death. The majority of women will experience sexual harassment at some point in their working lives," and it continues to explain why the bill is necessary. The member tabled this bill for first reading in the Legislature 10 years to the day after we lost Theresa Vince as a result of a brutal escalation of sexual harassment in the workplace.

Interestingly enough, I took the opportunity to pull out some of the recommendations from the coroner's jury upon the death of Theresa Vince, when the coroner's office investigated and the jury came out with some recommendations. A number of them speak specifically to the kinds of issues that I've already mentioned:

"To employers:

"—Consider implementation of confidential sources of emotional, psychological and psychiatric assistance such as employee assistance programs.

"—Educate employees on recognizing indicators of excessive stress or depression.

"—Have effective workplace harassment and discrimination policies and procedures set out for employees."

It goes on with a number of employer responsibilities or employer actions that should be taking place to prevent these kinds of tragedies in the future.

The Ontario Human Rights Commission's recommendation: "Encourage victims to come forward as the commission offers neutral investigations. The commission must investigate."

Unfortunately, with the changes to the Human Rights Commission that this government is bringing forward under Bill 107, these investigations will no longer be taking place, and that is a frightening prospect. These are some of the very issues of concern that we've been raising around the changes being brought forward to the Ontario Human Rights Commission. There will no longer be an investigative opportunity, so that the public good type of investigations like sexual harassment investigations will not be undertaken any longer. It will be up to the victim to hire a lawyer and get private investigators to do the investigation, as opposed to it coming directly from the commission. This is a tragic step backwards, in my opinion, and will have extremely negative effects on women particularly and others who are being harassed.

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Also, "Develop an advertisement campaign to promote public awareness and education." I think this is exactly what the member is doing in proclaiming the week in Bill 110. He is saying that we have to bring



attention, we have to promote, we have to educate and we have to let people know what sexual harassment is.

There are a number of other recommendations to the Ministry of Labour and the provincial government, such as, "Maintain and provide the Ontario Human Rights Commission with the resources it needs to carry out its mandate." Again, unfortunately, the mandate is being changed to prevent any of these investigations from coming forward.

Nonetheless, I thought it was important to acknowledge that the bill is an important piece of what we need to do, but also let us not go backwards when it comes to other pieces of legislation that could negatively affect our ability to move forward in the case of eradicating sexual harassment in Ontario.

Unfortunately, the horrific stories like that of Theresa Vince continue to occur. In fact, every day I open my newspaper and see another situation where there has been a woman either sexually assaulted or sexually harassed. Usually the harassment cases don't get to the newspaper until, unfortunately, they are cases like that of Theresa Vince, where the issues have gone far too long ignored and have resulted in violent acts. In fact, just on Monday, I opened my paper to see, "Women Assaulted, Bound to Captor," a headline in the *Hamilton Spectator*, indicating that a woman was found covered in blood and bound to a man with a rope. She was rescued by a passing police officer after being sexually assaulted and marched nearly two kilometres through downtown Niagara Falls on Friday night. These are the kinds of things that are happening to women in our communities on a daily basis.

So there's no doubt that we have to act. We have to act with anti-harassment legislation, and we have to act with this bill that's in front of us. I'll be very proud to be here in about 15 minutes or so when we vote in favour of this bill. I support it wholeheartedly.

I have a number of other issues that I want to discuss, though, around the attitudes and the incidences of sexual violence against women. Statistics point specifically to immediate and concrete action needing to occur: yes, the education and, yes, the changes to legislation that are outstanding. Why? Many have already indicated in this debate that two out of three women experience sexual assault; 38% of sexually assaulted women were assaulted by their husbands, common-law partners or boyfriends; four out of five female undergraduates—are you listening, young girls in the audience today?—surveyed at a Canadian university said they had been victims of violence in dating relationship; 29% reported incidents of sexual assault; and 22% of women who have been victims never tell anyone. They suffer in silence, in degrading, dehumanizing, humiliating silence. Across Canada in 1998, 82.6% of victims in reported cases of sexual assault were women and 98% of the accused were men. Canada ranks fourth out of 32 countries for the number of women assaulted in the workplace, according to a 1998 report of the ILO, the International Labour Organization.

Interestingly enough, my local sexual assault centre has spent some time trying to work with young women and help young women address the issues of sexual harassment and sexual violence, and I laud them for doing that. It's unfortunate that these days school is not the safe place that we think it should be, particularly for young women. They are sexually harassed on a daily basis and they are sexually assaulted by boys at school. That is something that we need to change, not only for the girls but for the boys as well. They should not feel that they have to behave in that way to get attention or for any other reason. So as parents and as legislators we need to tell girls that it's not acceptable, but we also need to make sure we're telling boys that it's not acceptable behaviour either.

In terms of Sexual Harassment Awareness Week, what I would most hope is that we would eventually be able to declare that the age of harassing and victimizing women is over, but we're very far from that, unfortunately. Sexual assault centres, as we know, are still suffering from cuts that they received several years ago. They still haven't been able to make up the cumulative effect of those cuts over the years. We need to fund those crisis centres adequately. We need to not only restore the cuts but invest in some ambitious programming of prevention, services and supports backed up by strong anti-harassment laws, by this very bill, Sexual Harassment Awareness Week. If we do some of these things, we can really have an impact on young women and young people in our communities.

There are a number of other issues that need to be indicated. People sometimes think they can label this kind of behaviour based on a certain type of person, and it's certainly not true. Men who sexually harass women come from every economic, ethnic, racial, age and social group. They can be any type of profession—doctors, teachers, employers, co-workers, lawyers—husbands, students, colleagues or relatives of the women they are harassing or abusing. So the people that we need to reach we need to reach through our institutions, through our places of worship, through websites, through publications, through family structures.

Interestingly enough, one of the groups of people that has come forward recently to this Legislature is a group of a young women who have put together something called the Miss G. Project. Members might recall that they've been here on a couple of occasions now. But that's one of the kinds of projects that, if we could get that moving forward—what that does basically is require women's studies to become a course of study in high schools across the province. By bringing women's studies into the regular course of study in the high school curriculum, you're beginning to teach young people—girls and boys—the value of women's contributions. To this point in time, that has not been the case. Oftentimes, women's contributions historically to our cities and to our province and to our country are sidelined when it comes to the curriculum. Unfortunately, that has only been a way of continuing to minimize women and their



contribution and their importance in the ongoing legislation, the ongoing creation of a caring and just society. By doing things like supporting, for example, the initiatives of the Miss G. Project women, who are saying that women's studies need to be part of the high school curriculum, we can then begin to build in some of the places where women's contributions are respected and valued, as opposed to minimized and leading to harassment.

I've run out of time; I have so many more things to say. Again, I thank the member for bringing this bill forward and I'm happy to support it.

**Mrs. Carol Mitchell (Huron-Bruce):** I'm very pleased to rise today to support Bill 110, An Act to proclaim Sexual Harassment Awareness Week. I too want to acknowledge the Vince family, Jim and Catherine, the courage it must take to come forward today. Congratulations. You're taking a tragedy and turning it into a positive step forward. For that, I thank you.

One of the things I want to talk about is not only the member for Chatham-Kent Essex—the courage it takes to bring this bill forward today I believe is commendable. I also want to congratulate you, the member, for bringing it forward today. When we talk about what we can do as parliamentarians to make our communities better places to live, I believe that awareness and education bring about sustainable change within our communities, and only that will bring about change that will go into the next generations.

I come from a family of three girls and I raised two girls, so for me it can be a bit difficult when I talk about the different situations that women can find themselves in. I know that it's not only women who are affected, but I'm going to speak specifically to women, with the understanding that I know it is more than women; men are affected as well. But just the sheer numbers lend the conversation I'm going to have to speak to women alone.

I had the opportunity to go to the women's shelter in Bruce county, which also provides counselling, specifically for sexual harassment. One of the ladies decided to tell me their story. They started off by telling how they arrived at the women's shelter. They all of a sudden decided they wanted to change their mind and wanted to disagree a little bit. They started to shake; they were so upset that they wanted to change their minds or their opinion. One of the ladies sitting beside the other lady put her hand on the other one and said, "It's okay. You're allowed to say 'no' here. You're safe." It's something that has stayed with me a very long time.

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When you come from a family of very strong, independent women, you need to listen to the stories. We've all, as women, experienced sexual harassment. None of us standing here would be telling the whole story if we didn't say, especially in the nature of our positions, that at some time we had experienced it, but it's how we deal with it. It's the ability to come forward and to tell your story and to feel that you have the security to tell your story: That is what this will do. It

provides a basis, a foundation, for education so that people know it's not acceptable behaviour. It's just not "on," as we say from my riding. That's what we have to get: that level of understanding, the level of comfort for people to come forward and to tell their stories and to know that they are very sure that that is unacceptable behaviour. That is where we need to get to, and we will get there through education, through community awareness. That is where I believe the strength is.

When we look at how much has changed from one generation to the next generation, we have so much more work to do, and we are in a position where we can make a difference in our communities by going out and giving people the opportunities. If they can't speak, if their voices aren't strong enough, we can talk for them. We can tell their stories. We can bring about a difference and we can make a difference. We can work through the bullying in our schools when we talk about how that's not acceptable. That's where it begins. We need to build a strong foundation, and the member from Chatham-Kent Essex recognizes this. He recognizes this is where we need to go. So with that, I support it.

It also is a barrier for women to move into what I would call non-traditional workplaces. Sexual harassment can be and is a barrier. What we can do to eliminate those barriers, to give the tools to all of the people of Ontario, is, I believe, the direction that we all want to go. So I want to thank the member for giving me the opportunity. I could go on for hours, but thank you very much.

**Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I'm delighted to be able to participate in this debate. For Ontarians, this is a very important bill brought forward by our esteemed colleague, my adviser on agricultural issues, the member from Chatham-Kent Essex.

The bill is to foster change in social attitudes and behaviour surrounding sexual harassment and to prevent other tragedies from happening.

Qu'est-ce que le harcèlement sexuel ? Le harcèlement sexuel signifie que quelqu'un vous importune par des paroles ou des agissements qui vous indisposent ou par des remarques ou suggestions à connotation sexuelle ou liées à l'appartenance sexuelle—par exemple, une personne qui vous importune en faisant des remarques ou des gestes inconvenants liés au sexe, en vous touchant de façon inappropriée, en faisant des plaisanteries ou des remarques offensantes de nature sexuelle sur les femmes ou les hommes, en faisant des propositions de rapports intimes ou en demandant des faveurs sexuelles, en vous fixant ou en faisant des commentaires inconvenants sur votre corps, en exposant des images offensantes à cause de leur nature sexuelle, ou en étant abusif envers vous en raison de votre sexe.

Sexual harassment is a form of violence against women, although it also can happen and has happened to men or between members of the same sex. It can cause death or serious and lasting harm.

Employers, contractors, professional associations, unions, and people who provide rental housing accommodations and other services have to make sure that



sexual harassment does not occur on their property, in their workplace or within their facilities.

La première semaine en juin est idéale comme Semaine de la sensibilisation au harcèlement sexuel parce que le 2 juin marque l'anniversaire du décès de Theresa Vince. Nous avons avec nous dans la galerie aujourd'hui l'époux de la défunte Vince, et sa fille Catherine. Thanks for being here with us today.

Selon les statistiques, la majorité des femmes seront victimes de harcèlement sexuel au cours de leur vie professionnelle. La proclamation de la Semaine de la sensibilisation au harcèlement sexuel vise à sensibiliser davantage le public au harcèlement sexuel, à promouvoir un changement dans les attitudes et les comportements sociaux à cet égard, et à empêcher qu'une autre tragédie de ce genre ne survienne.

Chacun a le droit de participer pleinement et sur un pied d'égalité à la vie de la collectivité, et ce en toute sécurité.

We must recognize sexual harassment as a serious problem and play a role in eliminating it. To proclaim the first week in June as Sexual Harassment Awareness Week, as is proposed in this bill, is a great way to raise awareness. This is always the first step in changing attitudes. This type of bill shows the importance of private members' time to allow the MPPs to promote issues that are important and to debate bills that cross party lines. We can certainly all acknowledge the importance of sensitizing the public to the horror of sexual harassment and to its serious and sometimes deadly consequences.

**The Deputy Speaker:** Mr. Hoy, you have up to two minutes to respond.

**Mr. Hoy:** I want to thank the members who spoke on my bill this morning: the members for Barrie-Simcoe-Bradford, Lambton-Kent-Middlesex, Haliburton-Victoria-Brock, Hamilton East, Huron-Bruce, and Glengarry-Prescott-Russell. Your comments were both positive and profound.

Many of the members brought forward other statistics in relation to this issue of sexual harassment or harassment in general. It is quite true, as mentioned by other members, that the incidence of sexual harassment seems to be predominately against women. However, other members have identified that it has occurred against males. Also, persons have mentioned that it's not only the workplace. I too mentioned that. The workplace is not the only place where sexual harassment can occur. There was mention of schools. There was mention of while people are on travel. I mentioned that wherever people may gather, the possibility exists.

I see this morning as more of a discussion in terms of Bill 110 rather than a debate. What we want to do is to ensure that this serious problem is highlighted by proclaiming the first week in June as Sexual Harassment Awareness Week, to bring forward a public awareness and to foster a change in societal attitudes—many persons spoke to that this morning—with an admission that sexual harassment can be prevented before another

tragedy occurs, and to also acknowledge that it takes place in our society.

I want to pay particular thanks to the Vince family, whom I've known over the past 10 years. They are stalwarts in regard to this issue. They're a very strong family and they're working so very hard to ensure that a tragedy such as they suffered through never occurs again here in the province of Ontario. I thank them very much.

**The Deputy Speaker:** The time provided for private members' public business has expired.

## INTERIOR DESIGNERS ACT, 2006

### LOI DE 2006

## SUR LES DESIGNERS D'INTÉRIEUR

**The Deputy Speaker (Mr. Bruce Crozier):** We'll deal first with ballot item number 45, standing in the name of Mr. Peterson.

Mr. Peterson has moved second reading of Bill 121. Is it the pleasure of the House that the motion carry? Carried.

**Mr. Tim Peterson (Mississauga South):** Mr. Speaker, could I ask that this bill be referred to the standing committee on general government?

**The Deputy Speaker:** Shall the bill be referred to the standing committee on general government? Agreed.

## SEXUAL HARASSMENT AWARENESS WEEK ACT, 2006

### LOI DE 2006 SUR LA SEMAINE DE LA SENSIBILISATION AU HARCÈLEMENT SEXUEL

**The Deputy Speaker (Mr. Bruce Crozier):** We shall now deal with ballot item number 46, standing in the name of Mr. Hoy.

Mr. Hoy has moved second reading of Bill 110. Is it the pleasure of the House that the motion carry? Carried.

**Mr. Pat Hoy (Chatham-Kent Essex):** I would ask that this bill be referred to the standing committee on justice policy.

**The Deputy Speaker:** Shall the bill be referred to the standing committee on justice policy? Agreed.

All matters relating to private members' public business having been dealt with, I do now leave the chair. The House will resume at 1:30 of the clock.

*The House recessed from 1200 to 1330.*

## ANNUAL REPORT, OFFICE OF THE OMBUDSMAN

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that I have today laid upon the table the 2005-06 annual report of the Ombudsman.



## MEMBERS' STATEMENTS

## TAXATION

**Mr. Ted Arnott (Waterloo–Wellington):** The member for Halton, our critic for economic development, made an important point in this House yesterday. Drawing attention to the dramatic loss of manufacturing jobs under the watch of the McGuinty Liberal government, he issued a wake-up call that needs to be answered with action, not apathy.

On Tuesday, one of Canada's most respected independent economic think tanks, the C.D. Howe Institute, issued a damning report of the provincial government's tax policies. Their policies are costing us jobs. In comparing the total capital tax burden on business, the C.D. Howe Institute found that Ontario's taxes will soon be the highest not only in Canada, but the highest amongst 36 industrialized economies, excluding the People's Republic of China.

One of the authors of the report, Jack Mintz, was quoted as saying, "Given Ontario's size and importance to the Canadian economy, the province's lack of focus on tax competitiveness is of particular concern."

Even the chief economist of the TD Bank, Don Drummond, whom the government usually counts on to defend its economic policies, said this in response to the report: "Their whole tax structure on corporations is biased against growth."

More than a year ago now, I tabled a resolution calling upon the finance committee to develop a plan to create new jobs and protect the ones we already have. Since the start of 2005, we have lost more than 75,000 good manufacturing jobs, including 1,100 jobs at BF Goodrich in Kitchener in Waterloo–Wellington.

The Minister of Finance should acknowledge the serious competitive challenge that Ontario's manufacturers face—

**The Speaker (Hon. Michael A. Brown):** Thank you.

## PRIDE WEEK

**Mr. Peter Tabuns (Toronto–Danforth):** Toronto Pride Week is before us again. It's a time that we celebrate diversity and reflect on the battles that still need to be won for full equality to be realized.

For example, families in my riding are discriminated against because the Vital Statistics Act does not give equal recognition to lesbian mothers. A few weeks ago, Justice Rivard ruled that the Ontario government was infringing on charter rights with this practice and gave it one year to change its ways.

But by enacting legislation that's already on the books, the McGuinty government can end government discrimination against co-mothers right now. It can proclaim the recently amended section 9 of the Vital Statistics Act that deals with certification of birth. This revised section opens the door for a regulation to be written that gives

co-mothers due recognition as parents. I've filed a motion calling on the McGuinty government to do this.

There is apprehension that this government may try to appeal the Rivard decision, given that it fought the court case tooth and nail. To signify that Pride Week is more than just a photo op to them, the McGuinty government should act on the motion that I've put forward.

## WORLD CUP

**Mr. Mario Sergio (York West):** During the month of June 2006, Germany is hosting the World Cup. It's a world soccer tournament that sees some 32 nations competing for the most coveted trophy in the sport of soccer. The World Cup is held every four years in a different part of the world. Without any doubt, soccer is indeed the greatest sport in the world.

**Mr. Bruce Crozier (Essex):** No, it isn't.

**Mr. Sergio:** Yes, it is. The host nation for the 2006 World Cup, Germany, must be extremely congratulated for putting on a wonderful sporting event.

Canada is not there this year, but I know it's getting ready to be there four years from now. The game of soccer here in Canada, and especially in our city, is alive and thriving, growing at a record pace. Hundreds of thousands of youngsters belong to one association or another. Thousands of volunteers dedicate themselves to the love of soccer as well.

This Sunday—a first—the Italian women's soccer team will be playing the Canadian women's soccer team in Etobicoke at Centennial Stadium, right here in our city, and next year, our city, together with other Canadian cities, will be hosting the World Youth Championship.

So to all of them, to all the sympathizers, to our city, to all the different communities, we are going to be a winner, no matter who is going to win this year's World Cup. Good luck to all of them.

## PREMIER'S RECORD

**Mr. Tim Hudak (Erie–Lincoln):** Mr. Speaker, what if you were the Premier of Canada's largest province, and after hiding from the big issues you decided to finally show some leadership? What if, to further that, you organized a summit about the fiscal imbalance? What if nobody stayed past lunch for that conference except a few very well fed Liberal staffers? What if you kept the media waiting for over an hour because you couldn't get your act together? And what if, once you finally did show up, the media only asked you about the ongoing crisis in Caledonia?

What if the Toronto Star story centred on how, and I quote, a "defensive" Dalton McGuinty has quietly dropped his \$23-billion gap slogan because that number isn't supported by the facts? What if one of your keynote speakers pointedly took issue with the Premier's \$23-billion figure? And what if the Star article said, "Whatever the real number—and Ontario officials refuse to



crunch any new data on the gap—McGuinty really, really, really doesn't want to talk about it”?

What if CP wrote a story about the fiscal imbalance and mentioned municipalities, the federal government and Stephen Harper, but failed to mention you, your summit or your fight? Well, your name would be Dalton McGuinty.

The reality is that Dalton McGuinty's weak and indecisive leadership can no longer stay hidden behind expensive taxpayer-funded summits. All those empty chairs spoke volumes that nobody's falling for that game any more.

## EDUCATION

**Mr. Vic Dhillon (Brampton West—Mississauga):** I rise today to speak about the McGuinty government's accomplishments in the field of education.

We are working hard to ensure that Ontario's public education system is second to none, and a strong public education system is the foundation of a strong economy. We're reducing class sizes, boosting test scores, ensuring there's labour peace in schools and helping more high school students graduate. We have hired more teachers, bought more textbooks, stopped funnelling money to private schools, and made schools safer through an anti-bullying initiative and safe school audits.

But there's more to be done. We have invested an additional \$600 million in education funding, bringing the total to \$17.5 billion for 2006-07. That investment is part of our plan to see 75% of 12-year-olds achieve the provincial standard in reading, writing and math, and to see 85% of high school students graduate.

The reason there's so much to be done is that the previous government treated the education of our children as a wedge issue that could win them votes at election time. They created a crisis so they could score some political points.

Our approach is different. We will continue to work with teachers and parents to make sure our students have the best education possible, which will ensure Ontario's prosperity for generations to come.

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## NATIVE LAND DISPUTE

**Mr. Garfield Dunlop (Simcoe North):** On Tuesday, I visited the beautiful community of Caledonia, and what I heard can best be summed up from a Toronto Sun article of the other day. I'll read parts of it.

“Frightened politicians make lousy negotiators—especially when they're representing us. Ontario Premier Dalton McGuinty is apparently so freaked out by the native protesters in Caledonia, that he's now making major concessions to them—with taxpayers' money—without getting anything in return....

“One of the big concerns the Six Nations negotiators had was that if the disputed land was developed while they were waiting for their case to be heard, it would effectively negate their chances of keeping the land. In

other words, it's reasonable to think a court would be reluctant to order the demolishing of an established subdivision years down the road, even if the natives won their case. The tendency would be to try to compensate the natives with something other than land.

“By agreeing to buy the land and hold it in trust, McGuinty has removed that concern, but apparently got nothing in return—unless there's now a deal or understanding between the two sides we aren't being told about.

“The protestors say they'll continue to occupy the development until they win title to the land. Perhaps, sensing weakness from the province, they're upping the ante and pushing to get the entire issue settled now, rather than years from now.

“And why not? A few days ago, McGuinty said he wouldn't continue negotiations with the natives until they took down all their barricades and co-operated with an OPP investigation that led to charges against seven native protestors last weekend.

“Subsequently, the native protestors took down some of the barricades, but not the main one. And as of yesterday, only one of the seven protestors sought by police was in custody.

“And yet, here's McGuinty not only negotiating but offering a big concession. Someone should tell the Premier that there's not much point”—

**The Speaker (Hon. Michael A. Brown):** Thank you.

## ONTARIO ECONOMY

**Mr. Jeff Leal (Peterborough):** A strong economy is vital to the success of our province, as well as meeting the essential needs of all Ontarians. Because of the bold initiatives that the McGuinty government is taking to help build our auto manufacturing sector as well as to stimulate foreign investment and trade, Ontario has been able to experience a resurgence in this key sector. Even John Tory's good friend and golf buddy, federal Finance Minister Jim Flaherty, speaks of the resilience of Canadian workers in the June 13 edition of the *Globe and Mail*: “Canadians are able to find other comparable well paying employment if they lose their job in the manufacturing sector.”

Over the past two years, Ontario's strategic auto investments have attracted close to \$7 billion in new auto sector investments, and we have seen record growth in the past 12 months. Our investments have resulted in the announcement or creation of 7,000 new jobs, plus thousands more spinoffs. Since we took office in October 2003, the Ontario economy has created 290,000 net new jobs, 99% of which are full-time jobs, with an unemployment rate of 5.9%, the lowest in five years.

The McGuinty Liberals are clearly on the side of working Ontarians and understand their needs in the changing economic climate. Whereas the previous government refused to even consider that it takes more than just tax cuts to build a prosperous economy, we see that



there need to be government supports in place to ensure the success of this sector of the economy.

Ultimately, we're working hard for Ontario's families, and we're on their side.

### FAIR ACCESS TO PROFESSIONS

**Ms. Kathleen O. Wynne (Don Valley West):** Our province is enriched every day by the arrival of new Canadians eager to play a role in the beautiful mosaic of Ontario. They bring with them an impressive range of skills. They are eager to contribute to their communities and help the economy thrive. As many as 140,000 newcomers arrive in Ontario each year, and in the past two years more than half of those were university-educated. Within five years, newcomers will account for the entire net labour force growth of the province.

The McGuinty government is committed to making sure that the skills and talents of thousands of internationally trained professionals are a brain gain for Ontario, not a brain drain. This month, we took a huge step towards ensuring this with the introduction of the historic Fair Access to Regulated Professions Act. This proposed legislation, the first of its kind in Canada, will ensure that Ontario's regulated professions have admissions processes that are fair, transparent and clear. They will also be required to assess credentials more quickly.

In Thorncliffe Park and Flemingdon Park—two vibrant, diverse neighbourhoods in Don Valley West—this is the single most pressing issue. The McGuinty government is on the side of newcomers who choose to make their home in Ontario. David Miller said, "Toronto is home to more new Canadians than any other city in Ontario. They've got incredible skills and experience. I'm pleased the Ontario government has taken this major step in helping newcomers put their talents to work in our city and our province."

I hope the entire House will support this legislation. It's important for Ontario and it's important for the newcomers who come here.

### HEALTH PROMOTION

**Mr. Brad Duguid (Scarborough Centre):** Thanks to the hard work of this government, our province is heading into the summer of 2006 in better health. I couldn't have been prouder when hundreds of Ontarians joined us on the steps of the Legislature several weeks ago to celebrate the arrival of a smoke-free Ontario.

Despite the noise made by critics of our anti-smoking campaign, the McGuinty government showed great resolve, and our commitment is already reaping results. In restaurants, bars and patios, and other public spaces across the province, people are breathing easier.

With the passage of the LHINs legislation earlier this spring, we made important changes to our health care system, which will bring decision-making, planning and resource allocation back into the community, where it belongs.

The progress doesn't stop there. By passing the Transparent Drug System for Patients Act this week, we took a bold step toward ensuring that people across our province have greater access to drugs.

There can be no doubt that the McGuinty government is on the side of Ontario families when it comes to health. On behalf of my colleagues here in this Legislature on this side of the House, I'd like to wish the people of our province a happy and healthy summer. On behalf of all of us on this side of the House, Mr. Speaker, I'd like to wish you, the members of the opposition and all Ontarians a happy and safe summer.

### STATUS OF BILL 132

**The Speaker (Hon. Michael A. Brown):** Yesterday, the member for Lanark—Carleton, Mr. Sterling, introduced Bill 132, An Act to include members of the Legislative Assembly in the public service pension plan and to make related amendments to other Acts. Upon reviewing the bill, I have determined that it would cause an expenditure of public money out of the consolidated revenue fund, contrary to standing order 56. Accordingly, I have directed that the bill not be printed and that it be deleted from the orders and notices paper.

### INTRODUCTION OF BILLS

#### EDUCATION AMENDMENT ACT (STABILITY FOR STUDENTS IN TRANSITION HOUSING), 2006

#### LOI DE 2006 MODIFIANT LA LOI SUR L'ÉDUCATION (STABILITÉ POUR LES ÉTUDIANTS VIVANT DANS UN LOGEMENT DE TRANSITION)

Ms. Matthews moved first reading of the following bill:

Bill 133, An Act to amend the Education Act to provide stability for students in transition housing / *Projet de loi 133, Loi modifiant la Loi sur l'éducation afin d'offrir une stabilité aux étudiants vivant dans un logement de transition.*

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Ms. Deborah Matthews (London North Centre):** First let me say I'm delighted to be joined today by some people from London who have never lost sight of the importance of kids, especially kids who are at risk. Kate Wiggins, Peter Jaffee, Tim Kelly and a number of others from London are here, and I'm happy they are.

I'm introducing a bill today that gives children the most important thing that they need to succeed in school: stability. This bill recognizes the vital role that schools play in the lives of children while they are in temporary,

emergency housing by allowing them to stay at their original school until the end of the school year.

## RETAIL SALES TAX AMENDMENT ACT, 2006

### LOI DE 2006 MODIFIANT LA LOI SUR LA TAXE DE VENTE AU DÉTAIL

Mr. Ouellette moved first reading of the following bill:

Bill 134, An Act to amend the Retail Sales Tax Act /  
Projet de loi 134, Loi modifiant la Loi sur la taxe de  
vente au détail.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Mr. Jerry J. Ouellette (Oshawa):** The bill amends the Retail Sales Tax Act to repeal the tax for fuel consumption payable on the purchase of a new vehicle or a sport utility vehicle manufactured in North America and a corresponding tax credit.

This is designed to promote vehicles produced and retailed in Canada and North America. My understanding is that the savings represent up to thousands of dollars per vehicle to the purchaser, which is an incentive for the auto industry.

Also, this is an auto industry-wide recommendation. As for Ontario, it's one of the only jurisdictions that has this tax disincentive for made-in-North America vehicles.

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## MOTIONS

### COMMITTEE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I know that there's a request from the opposition benches over there for a 9(c)(i), but I'm afraid I don't have it with me tonight.

I do have another motion, however. It reads as follows:

I move that the following committees be authorized to meet during the summer adjournment in accordance with the schedule of meeting dates agreed to by the whips of the recognized parties and tabled with the Clerk of the assembly to examine and inquire into the following matters:

Standing committee on general government to consider Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts;

Standing committee on government agencies, pursuant to its terms of reference as set out in standing order 106(e);

Standing committee on social policy to consider Bill 43, An Act to protect existing and future sources of drink-

ing water and to make complementary and other amendments to other Acts;

Standing committee on justice policy to consider Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2005, and Bill 107, An Act to amend the Human Rights Code;

Standing committee on the Legislative Assembly to consider Bill 52, An Act to amend the Education Act respecting pupil learning to the age of 18 and equivalent learning and to make complementary amendments to the Highway Traffic Act, upon its referral from the House, and for the Chair and up to three members to attend the 2006 annual meeting of the National Conference of State Legislatures;

Standing committee on public accounts to attend the 27th annual conference of the Canadian Council of Public Accounts Committees; and

Standing committee on estimates to consider 2006-07 estimates of selected ministries and offices.

With the agreement of the whip of each recognized party, the time allotted for consideration by the committees may be amended; and

That the committees be authorized to release their reports during the summer adjournment by depositing a copy of any report with the Clerk of the assembly, and upon the resumption of the meetings of the House, the Chairs of such committees shall bring any such reports before the House in accordance with the standing orders.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has moved the following—

**Interjection:** Dispense.

**The Speaker:** Dispense? Dispense.

Shall the motion carry? Carried.

## LEGISLATIVE PAGES

**The Speaker (Hon. Michael A. Brown):** I'd like to take this opportunity to express on behalf of all the members of the Legislature a great thanks to this particular group of pages who have served us so well over the past weeks.

## VISITORS

**Ms. Monique M. Smith (Nipissing):** On a point of order, Mr. Speaker: I'd like to ask members of the Legislature to join me in welcoming a former colleague of mine, Manus McMullan, who's a barrister with Atkin Chambers in London, England, and his wife, Claire Hughes, from the BBC, who are joining us today.



## STATEMENTS BY THE MINISTRY AND RESPONSES

### DOMESTIC VIOLENCE

**The Speaker (Hon. Michael A. Brown):** Statements by the Ministry? The Minister of Education.

**Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues):** And minister responsible for women's issues.

I am pleased to rise to inform the House of a very important initiative designed to help people recognize the warning signs of woman abuse and to provide people with the tools to help both the woman being abused, at risk of abuse, as well as the abusers. The Neighbours, Friends and Families public education campaign recognizes that every individual in the community has a role to play in helping to prevent abuse against women. Understanding the warning signs is an important first step. Knowing what to do when you see the signs is absolutely critical.

The government is on the side of vulnerable women. We are giving people the information and tools they need in order to know how to help both the abused and the abusers when they suspect a woman is being abused.

Our government put together an expert panel to develop this initiative. I want to acknowledge the work of the expert panel today, some of whom are in the gallery with us, including Dr. Peter Jaffe, academic director at the Centre for Research on Violence Against Women and Children. Thank you, so much, Dr. Jaffe, for being here. He is a true leader in this field.

It gives me great pleasure to introduce to this House today Tim Kelly, who is a real leader in the London area. We're so pleased he's here with us. He is the chair of the Neighbours, Friends and Families expert panel. Tim, thank you so much for coming to the House today.

I want to thank all the members of the panel. You can't imagine how your work will help to change women's and children's lives. The work you do is so tremendously important, and we thank each and every one of you for your significant contribution.

I especially want to acknowledge Deb Ashbee, who was with us today at this launch. Deb Ashbee is the best friend of Sandra Schott, who was murdered by her estranged husband. Deb has joined us here in support of this initiative and to make us understand how real the work is that we do. Deb, thank you so much for coming today. It was a real privilege to have you with us at our announcement.

This campaign launch includes two English and French public service ads, English and French print materials and a website. Aboriginal-specific products are currently being developed by and for aboriginal peoples, and other products will be culturally adapted for diverse communities. A comprehensive community kit is also being developed, and organizations will be able to use the materials to

provide workshops and meetings to mobilize communities to take action.

Domestic violence is complex. There are no easy answers. But we must continue to work towards a solution to a problem that affects every one of us. It's not easy to change attitudes and behaviours, but it is up to all of us—not just the government, not just the police, not just social services, but whole communities—to try. Women's lives depend on it.

Far too often the focus of my portfolio as minister responsible for women's issues is on the tragic incidences of abuse against women that continue to plague our province. The Neighbours, Friends and Families campaign is part of our government's comprehensive four-year, \$68-million domestic violence action plan. It's designed to provide the community supports and interventions that can lead to a real reduction in violence. Today I ask my fellow MPPs to lead, to join and to embrace this campaign for all of our communities.

May I take a moment to share with you some of the print material that is available, that all of us would be interested in seeing: How can you identify and help women who are at risk of being abused? Safety planning for women who are abused. How to talk to men who are abusive. I would encourage everyone to go to the Website, [neighboursfriendsandfamilies.on.ca](http://neighboursfriendsandfamilies.on.ca), and please have a look at the materials. If you do suspect, if you have some information you know we need to have, there would be a 1-800 number available so people can call, discuss what it is they see, and understand from the person on the other end of the phone if it really is a situation at risk and how you can intervene safely, how you can give good, credible information to the individual who you suspect is being abused. The information that's available in all of the brochures, in all of the material, is equally available and appropriate for gay and lesbian relationships. This is for all of us. This is important. I urge you to go to [neighboursfriendsandfamilies.on.ca](http://neighboursfriendsandfamilies.on.ca). Join the campaign and stop the abuse.

### FÊTE DE LA SAINT-JEAN-BAPTISTE

**L'hon. Madeleine Meilleur (ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones):** Chers collègues, monsieur le Président, au nom du gouvernement de l'Ontario, je suis très heureuse de souhaiter une merveilleuse Saint-Jean-Baptiste à l'ensemble de la communauté francophone de toute la province et d'ailleurs au pays, une francophonie qui vibre aux accents de la mondialisation, une francophonie dont l'espace s'agrandit pour accueillir les francophiles et les amis du fait français.

L'Ontario est fière d'adhérer aux valeurs fondamentales du Canada, soit la dualité linguistique et la diversité culturelle. Notre gouvernement reconnaît la contribution primordiale de la communauté francophone à l'essor de notre province. L'avenir de l'Ontario et celui de la francophonie sont intimement liés. C'est pourquoi le gouvernement est fier de soutenir la francophonie ontar-



ienne par des actions concrètes. Je me permets d'en citer quelques-unes :

—l'expansion de l'Hôpital Montfort grâce à un investissement sans précédent de 185 \$ millions;

—la nouvelle Loi sur l'Intégration du système de santé, qui reconnaît de manière explicite le droit de participation des francophones à la planification des services de santé en français, un point tournant pour l'accès aux soins de santé en français;

—l'appui continu à l'éducation en langue française;

—la désignation récente de Kingston, que nous célébrerons la semaine prochaine, qui devient la 25<sup>e</sup> région désignée où les francophones pourront bientôt recevoir les services du gouvernement provincial en français;

—la signature du protocole de coopération Ontario-Québec, qui comprend un accord multisectoriel en matière d'affaires francophones d'une portée sans précédent.

En outre, cette année, à l'occasion du 20<sup>e</sup> anniversaire de la Loi sur les services en français, nous avons toutes les raisons du monde pour mettre en valeur l'apport des francophones à l'histoire de l'Ontario et à son avenir. Sous le leadership du premier ministre McGuinty, nous sommes fiers de souligner cet anniversaire par le biais d'initiatives d'envergure menées par plusieurs de nos ministères et annoncées lors de la Journée internationale de la francophonie le 20 mars dernier.

Mais pour le moment, célébrons ensemble la fête de tous les francophones de l'Ontario et de partout au pays.

Bonne Saint-Jean-Baptiste.

1400

#### DOMESTIC VIOLENCE

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** I am pleased to rise today on behalf of the Progressive Conservative Party and our leader, John Tory, and respond to the minister's announcement regarding the province-wide campaign to help people recognize the early signs of abuse against women and suggestions on how friends and family can help those victims of domestic violence. I would also like to congratulate the leadership and expertise of the expert panel helping the minister and all Ontarians.

Addressing violence against women and girls is a non-partisan issue and we are supportive of the government's announcement today. I was pleased to see this initiative was in line with one of the recommendations put forward for by the Domestic Violence Death Review Committee annual report to the chief coroner released on Tuesday this week. The report said, "Ongoing reviews continue to reveal a need to generally heighten awareness and provide education about domestic violence."

There is, of course, still much that needs to be done and I would like to take this opportunity to bring attention to some of the other recommendations contained in the DVDRC annual report.

There is a need to have appropriate tools available to those who work with victims and perpetrators of do-

mestic violence to better assess the potential for lethal violence in their lives, and corresponding access to appropriate services and programs.

The report also recommends that adequate resources are required to institute programs that will help ensure victim safety and reduce the perpetrator's risk.

I would also like to remind the government of the backgrounder released in November last year that, as part of this domestic violence plan, the McGuinty government would provide funding of \$1 million to the transitional and housing support program, starting in April 2006, to provide additional counselling and support services to women in affordable housing. We have yet to see the announcement for this initiative.

I am proud to be part of a Conservative government that increased spending in this area by 70% since 1995 when we first took office. It was our government which introduced and passed the Domestic Violence Protection Act on December 21, 2000. We were able to increase shelter funding and allocate money to create a crisis line for assaulted women that provided 24-hour, seven-day-a-week crisis services for abused women across the province. We were also proud to provide an early intervention program for child witnesses of domestic violence to help children recover from the effects of witnessing violence in their families.

#### SAINT-JEAN-BAPTISTE DAY

#### FÊTE DE LA SAINT-JEAN-BAPTISTE

**Mrs. Julia Munro (York North):** I'm pleased to respond to the Minister of Community and Social Services' message.

In 1908, Pope Pius X designated John the Baptist as the patron saint of the province of Quebec, solidifying the religious significance of the holiday. Since then, Saint-Jean-Baptiste Day has become a secular national holiday in Quebec, the Fête nationale.

In Ontario, the holiday is significant for Franco-Ontarians and it recognizes the important contributions that Franco-Ontarians have made to our province. The French presence in Ontario dates to the mid-17th century. Early settlements in the area include the mission of Sainte-Marie among the Hurons in Simcoe county in 1649 and Sault Ste. Marie in 1668. French-speaking Ontarians have played an important part in Ontario's government since the early days of our province. For French Canadians and Franco-Ontarians, Saint-Jean-Baptiste Day has long been a special time to celebrate their identity and heritage. It is also an occasion to reaffirm the ties of friendship and solidarity that unite people of francophone origin from coast to coast. The tradition landed in North America with the first French colonists. According to the Jesuit Relations, the first celebrations of this day in New France took place around 1638. In 1880, the Saint-Jean-Baptiste Society organized the gathering of all francophone communities across North America.



One good example of the leadership of this community is Jacques Baby. He was a politician, civil servant, militia officer and landowner in Detroit and York. In 1792, he was among the first people appointed to the executive and legislative councils of Upper Canada, this chamber's predecessor. He served in a number of other capacities, including inspector general, and was even a member of the Family Compact. Baby was a prominent landowner, owning thousands of acres throughout the province. In fact, my neighbours and I celebrated the 200th anniversary of the land grants to Baby, as we own a very, very small portion of one of those grants. He is only one of the many francophones who have made a lasting contribution to Ontario. We honour them, along with the culture and heritage of Franco-Ontarians, on Saint-Jean-Baptiste Day. Congratulations.

**M. Rosario Marchese (Trinity-Spadina):** À tous les Ontariens et Ontariennes qui sont liés à la langue et à la culture françaises et à tous les francophones du Canada, au nom du NPD, j'aimerais vous souhaiter une merveilleuse journée de la Saint-Jean-Baptiste, en espérant que cette journée soit remplie de merveilleux moments passés en compagnie de votre famille, vos amis et votre communauté et à célébrer notre riche culture et notre héritage, qui font de nous un endroit si unique dans le monde. Le Québec se distingue en étant le foyer principal de la langue française dans l'Amérique du Nord.

Saint-Jean-Baptiste Day is a time-honoured celebration which continues to link us to the deep roots of our history. It also serves to guide us towards a future secure with this unique and beautiful culture and language to be passed on to future generations.

Je vous encourage fortement à vous joindre aux célébrations ayant lieu dans votre communauté. Ce sont des occasions à saisir pour célébrer les remarquables et vivantes communautés francophones du Canada et leurs contributions à l'avancement de notre pays.

La Saint-Jean-Baptiste est la fête nationale des Québécoises et Québécois, mais aussi c'est une opportunité de démontrer à tous les Ontariennes et Ontariens la profondeur de la diversité de la culture francophone.

Bonne journée de la Saint-Jean-Baptiste. Happy Saint-Jean-Baptiste.

## DOMESTIC VIOLENCE

**Ms. Andrea Horwath (Hamilton East):** On behalf of New Democrats, I'm pleased to respond to the minister's statement today, basically a reannouncement of commitments to funds for education programs on domestic violence.

Certainly I would join with the minister and the opposition in thanking all of those people who day in and day out work on domestic violence issues in their community, particularly the people of London, who apparently set the model for this program that the minister is announcing this morning.

But I have to say that once friends and families and neighbours and communities make the initiative and get

involved in these kinds of situations and ensure that the domestic violence is acknowledged and perhaps dealt with, we have to acknowledge that something else has to come after that. We have to ensure that women are able, and confident that they are able, to get the services they need when in fact these issues are reported. After a neighbour calls police, or after family or friends get involved, there has to be somebody there who is guaranteed to be able to help women in dealing with the domestic violence that they're facing. We have to make sure that the investments the domestic violence action plan claims it's going to invest over the years are the right investments, so that the \$68 million that the government has committed actually does get spent in the right places. Although not even quite half of that has been invested to this point, we know that that needs to happen.

Women in violent homes, at this point, either can't get away or can't stay away. They are not able to move on with their lives. They face poverty, they face challenges with child care, and they face challenges with employment and housing. Those are the big barriers that women face.

In fact, there are many recommendations of various inquests that have still not been undertaken by this government. I think, just off the top of my mind, of the Hadley inquest, and one single issue that continues to come up: the issue of reverse onus on bail that has still not been dealt with by this government. Certainly, they have not advocated for that to happen, because they can't make that decision on their own, and I acknowledge that.

However, there's no doubt that public education is good and something that we support, but we still need to see more transitional housing in this province for women. We need to see women's organizations supported in a way that they're able to provide the services that women fleeing domestic violence need. We need to see the enforcement of peace bonds in this province. We don't want women to be waiting month after month after month to have a peace bond initiated and actually enforced in the province of Ontario.

If there was a real concern about domestic violence, we wouldn't have prominent women meeting just last Friday here in Toronto, trying to figure out ways to get political action workshops going to get this government to move on issues of domestic violence. That workshop happened just the other day, and people in the women's movement are still concerned that there's not being enough done on the domestic violence file.

In fact, we know the statistics have not changed. There have been 15 deaths of women already this year and 11 deaths of children. The domestic violence action plan is not working and needs to be ramped up so that there are no more deaths of women in the province of Ontario.

Certainly, all parties embrace the idea of education, but we ask the minister to lead and create a climate where women can be sure to leave abuse and be safe—

**The Speaker (Hon. Michael A. Brown):** Thank you.

## VISITORS

**The Speaker (Hon. Michael A. Brown):** I would ask the House to welcome a former member to the members' west gallery, David Turnbull, who represented the people of York Mills in this Legislature in the 35th and 36th Parliaments and Don Valley West in the 37th Parliament. Welcome, Mr. Turnbull.

In the east public gallery is Gary Malkowski, who represented York East in the 35th Parliament. Welcome, Mr. Malkowski.

Chudleigh, Ted  
Dunlop, Garfield  
Hardeman, Ernie  
Horwath, Andrea  
Hudak, Tim  
Klees, Frank

Martel, Shelley  
Miller, Norm  
Munro, Julia  
Ouellette, Jerry J.  
Prue, Michael  
Runciman, Robert W.

Tascona, Joseph N.  
Tory, John  
Witmer, Elizabeth  
Yakubski, John

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 52; the nays are 22.

**The Speaker:** I declare the motion carried.

Shall the bill be ordered for third reading?

**Hon. Sandra Pupatello (Minister of Education, minister responsible for women's issues):** I'd like to order it to the standing committee on the Legislative Assembly.

**The Speaker:** So ordered.

## DEFERRED VOTES

EDUCATION STATUTE LAW  
AMENDMENT ACT

(LEARNING TO AGE 18), 2006

LOI DE 2006 MODIFIANT DES LOIS  
EN CE QUI CONCERNE L'ÉDUCATION  
(APPRENTISSAGE JUSQU'À L'ÂGE  
DE 18 ANS)

Deferred vote on the motion for second reading of Bill 52, An Act to amend the Education Act respecting pupil learning to the age of 18 and equivalent learning and to make complementary amendments to the Highway Traffic Act / Projet de loi 52, Loi modifiant la Loi sur l'éducation concernant l'apprentissage des élèves jusqu'à l'âge de 18 ans et l'apprentissage équivalent et apportant des modifications complémentaires au Code de la route.

**The Speaker (Hon. Michael A. Brown):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1413 to 1418.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

## Ayes

Arthurs, Wayne  
Balkissoon, Bas  
Bentley, Christopher  
Berardinetti, Lorenzo  
Bountrogianni, Marie  
Bradley, James J.  
Broten, Laurel C.  
Bryant, Michael  
Cansfield, Donna H.  
Caplan, David  
Chambers, Mary Anne V.  
Colle, Mike  
Cordiano, Joseph  
Crozier, Bruce  
Delaney, Bob  
Dhillon, Vic  
Di Cocco, Caroline  
Dombrowsky, Leona

Duguid, Brad  
Duncan, Dwight  
Flynn, Kevin Daniel  
Gerretsen, John  
Hoy, Pat  
Kular, Kuldip  
Kwinter, Monte  
Lalonde, Jean-Marc  
Leal, Jeff  
Levac, Dave  
Marsales, Judy  
Matthews, Deborah  
McGuinty, Dalton  
McMeekin, Ted  
Meilleur, Madeleine  
Milloy, John  
Mossop, Jennifer F.  
Peters, Steve

Phillips, Gerry  
Pupatello, Sandra  
Qaadri, Shafiq  
Ramal, Khalil  
Ramsay, David  
Rinaldi, Lou  
Ruprecht, Tony  
Sergio, Mario  
Smith, Monique  
Smitherman, George  
Sorbara, Gregory S.  
Takhar, Harinder S.  
Van Bommel, Maria  
Wong, Tony C.  
Wynne, Kathleen O.  
Zimmer, David

## VISITORS

**Mr. Toby Barrett (Haldimand-Norfolk-Brant):** On a point of order, Mr. Speaker: I'd like to introduce Stan Symons and Richard Van Maele from the Ontario Flue-Cured Tobacco Growers' Marketing Board.

## ORAL QUESTIONS

## NATIVE LAND DISPUTE

**Mr. John Tory (Leader of the Opposition):** My question is to the Premier. Premier, we asked you day after day to come forward with the cost of your land purchase deal in Caledonia—or the lack thereof—and day after day you gave us the same answer. You stood up and you told the entire Legislature that the single reason for not being transparent and accountable when it came to millions of dollars of taxpayers' money being spent in Caledonia was that the landowners, the people selling the land, had requested that it remain completely secret.

Premier, can you please explain to us why the lawyer managing negotiations for the landowner, for the seller, is now saying that this is not and never has been the case? Perhaps you can explain yourself to this House.

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm delighted to have the opportunity to shed a bit more light on what has been happening in this regard. In April, we hired a special adviser, Rob Chadwick, to begin negotiations for the purchase of Douglas Creek Estates. The reason we did that was to ensure that the two local brothers who have sunk virtually their whole life savings into this land do not face financial ruin because of circumstances over which they had no control.

Throughout this entire process we have respected the confidentiality of the discussions. Last week we were able to reach an agreement to purchase the land so that it is removed from the debate and placed in trust.

Today our special adviser, Rob Chadwick, was able to receive the consent of the local developers to release

## Nays

Amott, Ted  
Barrett, Toby

Kormos, Peter  
Marchese, Rosario

Scott, Laurie  
Tabuns, Peter

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.



information about the agreement. In the context of supplementary, I'll provide that information.

**Mr. Tory:** The fact of the matter is, when you were here the other day you told us without qualification that it was the seller that you've talked about today—and we all sympathize with the plight they're in, which, by the way, has been made worse and dragged out much longer because of your inaction and weak leadership.

Having said that, the owners of this land—their lawyers have indicated publicly in the newspaper today that they have not, prior to now, asked that that information remain confidential. You're the one who said it should remain confidential.

When is this documentation going to be made available to the people of Ontario, to us and to the media? Why did you stand up in your place when it's the lawyer for the developers who said it was not their wish to have this kept confidential before today?

**Hon. Mr. McGuinty:** Again, to repeat, our adviser today obtained the consent of the developers to release information about the agreement. The Ontario government, on behalf of the people of Ontario, has agreed to purchase Douglas Creek Estates for the amount of \$12.3 million; plus, there will be an additional amount which remains the subject of ongoing negotiations.

Again, the reason we are doing this and proceeding with the purchase of this land is because we feel it is only fair and proper that we help out a couple of local brothers who assumed responsibility to develop these lands and, through no fault of their own, were caught up in circumstances. We feel a sense of responsibility to help them out.

**Mr. Tory:** You certainly should feel a very big sense of responsibility for that and a lot of other things. It's just unfortunate you didn't accept the responsibility a lot earlier than is the case here.

I've reminded you and your government on a daily basis that it is not your money; it belongs to the taxpayers. The government has to be—as you would have argued in opposition, as you even would argue in government—open, transparent and accountable when it comes to spending millions of taxpayers' dollars, not just on the purchase of land but all of the other costs associated with this fiasco that has taken place on your watch.

I have written to the Auditor General today—I'd ask the pages if they could bring a copy of this letter over to you—and I've requested that he immediately review all government expenditures that have to do with this entire fiasco, including the land deal.

I would ask you, will you be fully co-operative with the Auditor General and take the initiative to work with him, starting right now, to turn over all information about all expenditures on this Caledonia matter so he can have an independent look at exactly what has gone on here with the taxpayers' money? Will you do that?

**Hon. Mr. McGuinty:** We would be more than pleased to co-operate with the Auditor General in any way.

**Interjection:** And any time.

**Hon. Mr. McGuinty:** And any time. But let me say that obviously I can't agree with the leader of the official opposition's ongoing characterization of developments in Caledonia. He's just not prepared to accept that we are in fact making progress, whether it's a matter of getting the barricades down or providing financial support to the community, whether it's to the municipality itself or to business persons. He doesn't like the fact that we've set up a community liaison table. He doesn't like the fact that we've set up ongoing meetings to work with the community. He doesn't like the fact that we've set up a central table, working with the federal government, so that we can bring to heel these issues, which have over 200 years of history connected with them. He doesn't like all of those things. Apparently he has some special plan of his own that he's not prepared to share with us, but it would be interesting to get that at some point, to know exactly what he would have us do at this point in time.

**The Speaker (Hon. Michael A. Brown):** New question.

**Mr. Tim Hudak (Erie-Lincoln):** A question to the Minister of Community Safety and Correctional Services. Today is day 115 in the crisis in Caledonia. Dalton McGuinty's weak and indecisive leadership has led to a major crisis of public confidence in our front-line Ontario Provincial Police officers. Yesterday's Toronto Star said, "There were physical assaults taking place in front of you and you can't do anything about it. The OPP is a joke in terms of Caledonia. It has tarnished our name." That's from a front-line OPP officer.

Yesterday, Premier McGuinty simply dismissed this seemingly as a fabrication. Surely, Minister, the one responsible for the Ontario Provincial Police is going to stand up in the House today and tell us you're going to look into this matter of who is giving direction to the Ontario Provincial Police and move forward with the inquiry. Stand up for our Ontario Provincial Police officers.

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** For the last few weeks, I've been listening to the opposition talk about Caledonia. The only thing they have to bring to the table is the fact that someone in their organization can read the newspapers, because, I'll tell you, all of the information you get is in the newspapers and most of it is not totally correct.

But I do want to quote from one particular newspaper that you might find interesting, and that is Karl Walsh, president of the Ontario Provincial Police Association: "All the same, Walsh says he appreciated the government's hands-off approach to policing in Caledonia and says the opposition ... should stop playing politics with the standoff."

So here we have a situation, and the question the member asks is, "Who is directing the OPP?" The answer is, nobody is directing them. The OPP are independent. They make their decisions and they act—

**The Speaker:** Thank you, Minister. Supplementary?



**Mr. Hudak:** I wonder what the minister's been doing. He accuses us of playing politics. I don't know if you're playing golf, cribbage or shuffleboard, but what you're not doing, Minister, is standing up for Ontario Provincial Police and front-line officers in the Caledonia area or across the province of Ontario.

1430

Let me remind you what's happening under your watch. As minister, you have condoned something called a no-go zone for Ontario Provincial Police. You didn't say a word when Ontario Provincial Police officers were taken out of their car, their windows smashed—they were arrested and humiliated. And now we're seeing votes of confidence against the OPP commissioner and mockery of the OPP front-line officers because of Dalton McGuinty's weak leadership.

Minister, if you're not going to stand up for OPP officers, maybe you should consider stepping down and letting somebody else stand up for the OPP, because you certainly are not.

**Hon. Mr. Kwinter:** I find it interesting that the member would make those statements. I challenge him to bring forward one senior officer in the OPP, the commissioner of the OPP or anyone else who will stand up and go on the record and be critical of the way we have dealt with this situation as far as the OPP are concerned. I challenge you to do that. Come up with one name. Don't refer to unsubstantiated reports. Give me a name.

**Mr. Hudak:** Talk about gutless leadership. You wonder what this minister—why aren't you talking to the front-line OPP officers? If I were the minister and I saw that article in the Star yesterday, I'd be on the move and I'd be looking into it right away.

Minister, with all due respect, you're a veteran of the Ontario Legislature, and your voice should carry weight at the cabinet table. You should be standing up and getting onside with Ontario's front-line provincial police officers. You're more interested in bowing down before the leader than doing your job as minister.

Minister, I have no choice. I have no choice because of your lack of leadership and your lack of support for Ontario Provincial Police officers: Minister, it's time for you to step down and let someone else fight for our Ontario provincial police officers.

**Hon. Mr. Kwinter:** I don't want to give the member a history lesson, but the history of this institution is loaded with Solicitors General who spoke to police about a matter and had to resign. You should know that. You should know that that has happened. To suggest that I should be directing the OPP, that I should be talking to OPP officers about this issue, is totally, totally irresponsible on your part and indicates that you have no idea what you're talking about.

**The Speaker:** New question.

*Interjections.*

**The Speaker:** Order. I can wait. The member for Hamilton East.

## CHILD PROTECTION

**Ms. Andrea Horwath (Hamilton East):** My question is for the Premier. Premier, today the Ontario Ombudsman once again spoke out against your failure to allow children and families the benefit of his independent investigative oversight of child welfare protection services in Ontario. You won't allow the Ombudsman the authority to oversee and investigate children's aid society decisions that have ripped families apart in this province. Why are you content to keep Ontario at the back the pack when virtually every other province in Canada already has independent oversight of children's aid societies?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm pleased to take the question. I think the member will know that under our—first of all, I want to thank the Ombudsman for his report. Anybody who has paid attention to our reaction to these reports will know that we consider them very carefully and we've made significant changes as a result of his recommendations. But I think the member knows that under our new Child and Family Services Act, if someone has a complaint about a children's aid society, they can go the Child and Family Services Review Board, and the Ombudsman has jurisdiction over that particular board. So ultimately, the Ombudsman has the opportunity to comment on these kinds of issues.

**Ms. Horwath:** Premier, you should know full well that your alternative is merely window dressing to hide the fact that you're doing nothing for children and families who are desperate to have someone independent look into complaints involving children's aid societies. Sending them back to the CAS in the first place is simply not the answer. You voted down the amendments to the Child and Family Services Act that I made during the committee hearings on Bill 210, which would have brought child welfare, child protection and CASs under the Ombudsman's man's scope. Then you ignored Bill 88, which, again, attempted to give the Ombudsman this important measure of unbiased oversight and authority.

Why don't you do right by the vulnerable children and families of Ontario, actually have a minister that is for children and support the Ombudsman's having independent oversight of CAS decisions?

**Hon. Mr. McGuinty:** I just spoke of how it is that the Ombudsman ultimately does have very important influence over children's aid society matters, but I think it's also important to note some of the comments that he made in his annual report issued today:

"Co-operation from the government has been timely and strong and our office has, thankfully, never needed to resort to its formal authorities. Additionally, the government has demonstrated great openness towards accepting our recommendations and indeed deserves proper credit for acknowledging, in direct response to our reports, the need to make profound shifts in direction, whether it is in updating the screening of newborns or in fixing a broken property assessment system."



Again, we are always appreciative of the Ombudsman's advice and recommendations, and we look forward to continuing to work with him.

**Ms. Horwath:** You would know that the Ombudsman was still very, very significantly articulate on the fact that they need to have oversight from the Ombudsman's office on the entire MUSH sector, including children's aid societies. In fact, he said that quite loudly at his press conference earlier today.

In spite of all the dedicated efforts that people in CASS put into their jobs, the fact is that many of those places have staff that are overworked, overburdened and under-resourced. Meanwhile, families are anguished in this province. I get calls from them all the time, so I'm sure that you do too; we know that the Ombudsman does, some 2,000 a year. All they want is a fair hearing and an independent investigation from the Ombudsman. But you force the Ontario Ombudsman to turn them away despite his desire to get to the bottom of their very serious concerns about possible abuse, overmedication, mistakes and wrongful judgments.

The minimal oversight that you claim exists simply does not exist, Premier. Why are you blocking families from having an independent avenue of appeal by refusing to allow the—

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. Mr. McGuinty:** I want to remind the member—she may not be aware of this—that the only party in this Legislature which, during the course of the past 20 years, has made cuts to Ontario's children's aid societies is the NDP. Not even the Conservatives went that far.

I do know that the Ombudsman has requested that he be given greater responsibility, greater authority, to review the MUSH sector in particular municipalities, universities, schools, hospitals, long-term care, children's aid societies and the like. I'm prepared to say this today: I'm not going to dismiss that request out of hand. I've had an opportunity to meet with the Ombudsman directly to talk about this, and we will give this very careful consideration.

#### ENVIRONMENTAL ASSESSMENT

**Mr. Peter Tabuns (Toronto-Danforth):** My question is to the Premier. This session has been Liberal letdown after failure after broken promise. The biggest disappointment is the secrecy and deception surrounding your \$40-billion nuclear mega scheme.

**The Speaker (Hon. Michael A. Brown):** I need you to withdraw.

**Mr. Tabuns:** I'll withdraw and make it "mislead." Your secret exemption of the plan from a tough, effective provincial—

**The Speaker:** What I need is for you just to withdraw the statement, and then you can go on with your question.

**Mr. Tabuns:** I withdraw, Mr. Speaker. Thank you.

If your plan is so good, why don't you rescind your secret exemption and put your plan to a tough, effective provincial environmental assessment?

1440

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Again, the members of the NDP seem intent on creating the impression that somehow any project related to new generation in Ontario will not be made the subject of a full and thorough environmental assessment. That's just not true. There's a law that says we have to do that and we are going to do that.

What the member is actually asking us to do is to put the plan itself to a full environmental assessment. That plan is subject to review—

*Interjections.*

**Hon. Mr. McGuinty:** I know they may not be interested in the answer, Mr. Speaker, but I think Ontarians are.

The plan is subject to review every three years. What they're saying is put the plan itself and every succeeding review to an environmental assessment, which would consume two years of time. If we were to go that route, we'd never, ever be able to move forward on a plan that will meet our long-term energy needs. So we'll put every individual project to an environmental assessment but, no, we will not put the plan itself to an environmental assessment.

**Mr. Tabuns:** Premier, you've made it very clear that you think it's inconvenient to follow Ontario's environmental laws. We think that you should follow the laws to get this right so that we don't repeat the mistakes of the past.

Today, hydro ratepayers are still paying off in the range of \$20 billion worth of nuclear debt because previous plants ballooned over budget, and because the plants broke down after 25 years instead of the promised 40 years.

Premier, can you stand in this House today and guarantee that the next generation of nuclear reactor investments won't stick working families with another huge debt burden?

**Hon. Mr. McGuinty:** I really think it's fair to say that all three parties can share in the blame for some of the fiascos that have happened in the past with respect to energy. I'm not going to say that we weren't a party to that. But I will say this: There's a couple of imperatives here. One is that we have in place a long-term plan to ensure we're meeting our energy needs over the next 20 years. Secondly, we will draw whatever lessons we possibly can from past mistakes. I'm not saying that nuclear energy in the past was perfect and that we got good value for it. But I can say that the kind of process we put in place, the kinds of negotiations that we propose to enter into, will absolutely ensure that we don't make those kinds of mistakes again.

**Mr. Tabuns:** It's pretty clear that we are going to get to relive this piece of history. Premier, one of the public's biggest subsidies to the nuclear industry is a liability subsidy. In the United States, if there's a nuclear accident, nuclear plant operators are liable for over \$10



billion in damages. In Ontario, it's a paltry \$75 million—barely enough to cover lawyers' fees. The public will be stuck with the rest. We don't think that's fair.

Given your complete confidence in nuclear safety, will you join us to call for an end to this unfair liability limit so that nuclear plant owners and operators, not taxpayers, cover the cost of nuclear incidents or accidents?

**Hon. Mr. McGuinty:** To the Minister of Energy.

**Hon. Dwight Duncan (Minister of Energy):** I would remind the member opposite, and to credit the previous government, one of the things they did right was starting to collect that liability.

In 1990, the opportunity to do that was there, and did you do it? No. In 1991, the opportunity was there. How much did you collect? Zero. In 1992? Zero. In 1993? Zero. In 1994? Zero. In 1995? Zero. You can't run from your legacy. You can't hide from your record. We have a plan that will work with federal regulators to ensure the safety, to ensure that we get the best possible deal for Ontario ratepayers, a plan that will be subject to full environmental scrutiny and one that, unlike the NDP's, will ensure an affordable mix of safe electricity well into the future. Your plan, your ideas, sir, would lead to an unsafe, insecure, unreliable system—

**The Speaker:** Thank you. New question.

**Mr. John Tory (Leader of the Opposition):** I have a question for the Premier. I'd like stay on the same issue. The Premier is very fond of talking about how much consultation there has been leading up to the energy announcements and all the broken promises and legal skulduggery surrounding them. In fact, his much-trumpeted public hearings in 12 cities actually provided the grand total of 24 hours of consultation for 12½ million people, hardly the important debate promised by the Premier. Another day, another broken promise.

The previous PC government appointed a select committee of the Legislature to review its hydro and nuclear plan in 1997, and that committee held three months of public hearings. Would the Premier consider allowing a select committee of this House to be appointed to review the whole plan, to have public hearings, say, over a three-month period and to be committed to reporting by the end of the year? This won't slow anything down. It will slow down no process at all. It will be time-limited. Will you agree to the appointment of a select committee, and if not, why not?

**Hon. Mr. McGuinty:** The leader of the official opposition is quick to dismiss the efforts that we've made so far. It is true that we did in fact—and I'm proud of this—hold town hall meetings in 12 separate communities. Beyond that, we also received over 5,000 submissions online. So Ontarians have had a real interest in this issue. We've incorporated their advice and recommendations into our plan, which we've now submitted to the Ontario Power Authority.

If the member opposite is somehow suggesting that we're not engaging in enough consultation, then I completely disagree with him. There will be many more opportunities along the way, and at the end of the day,

every single new project will become the subject of a full and thorough environmental assessment.

**Mr. Tory:** Of course only the Premier could get excited about 24 hours of consultation for 12½ million people. The 5,000 submissions he talks about—part of the problem here is that none of us have ever seen any of those. Nobody has seen it. You've probably seen it, and your pals at these lapdog agencies of yours.

Since you don't like the idea of a select committee, I'll try another alternative. Would you consider asking the Environmental Commissioner, an independent appointee of this Legislature, to hold a minimum of, say, 30 days of public hearings across the province between now and the end of the year, extensive consultation over the Internet, and then ask him not to submit a report on his views on what he heard but just submit a report on what the public said, so we're just getting their input provided to this Legislature and to the government? Such an exercise, again, can take place while the regulatory process is under way, and it will allow for a semblance of real public input, not your lapdog agencies or these kinds of runaway hearings. Will you consider—

**The Speaker:** The question has been asked.

**Hon. Mr. McGuinty:** The leader of the official opposition just wants to be everybody's friend. We've made a decision. We look forward to moving ahead—

*Interjections.*

**The Speaker:** Premier?

**Hon. Mr. McGuinty:** The Environmental Commissioner of Ontario sent the Minister of the Environment a letter on June 22, and I'll quote from that. In it he says, "I am pleased to see that you have taken steps to involve the public in future decision-making on the integrated power" supply "plan. I also recognize that the Ontario government has invested considerable resources in its consultation efforts on the IPSP to this point."

We have made real concrete efforts to consult the public. This matter is going to go to the Ontario Energy Board. There will be opportunities there for the public to be consulted. Every single new project will be the subject of an environmental assessment. Again, the public will be consulted. One thing that we understand on this side of the House is that when it's time to move on, it's time to move on, and we're moving on with a power plan for the province of Ontario.

## HOME CARE

**Ms. Shelley Martel (Nickel Belt):** I have a question to the Minister Health. In the last election, the Liberals promised, "We will remove the arbitrary Harris-Eves limits on home care. If you require care and want it in your own home, and that care costs less than sending you to a hospital or nursing home, we will make sure you get it."

Three years later, the same arbitrary limits on home care are in place. That means that Susan and Kell Lozinski of London can't get the nursing hours they really need to continue to care for 22-year-old Matthew in their



own home. Matthew has cerebral palsy, severe developmental delay, seizure disorder, respiratory distress syndrome, heart dysfunction, a tube for feeding, needs constant deep suctioning and oxygen and Ventolin therapy every three hours, followed by 20 minutes with a percursor. You don't get much more fragile than that.

1450

She has repeatedly asked her CCAC for more registered nursing hours and has been told that what Matthew gets is the most that anyone can receive in Ontario under the limits that are in place. This family is saving the taxpayers of Ontario thousands of dollars by keeping their son at home, and Susan is driving herself into the ground doing that.

Minister, when will you keep your election promise and ensure that this family gets the home care hours they need?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** The honourable member will know that we had seven and a half hours, I think, at estimates, and this wasn't an issue she chose to raise during that period. But we did talk at a high level about the investments we have made related to home care. There have been hundreds of millions of dollars in additional support for our community care access centres. They've expanded the number of people they support by well over 70,000 to date.

I'll take the honourable member's question about a very specific case under advisement. This is one that I don't have any information in front of me around, but I do thank the honourable member for bringing it to my attention and I assure her that I will look into it.

**Ms. Martel:** If I might, this matter was brought to your attention by the member from London North Centre, and she advised Susan in December 2005 that you had said you would not help this family with this situation. Yet your election promise is very clear. Your party said, and I quote again, "We will remove the arbitrary Harris-Eves limit on home care." Three years later, these same arbitrary, unfair limits on home care remain in place and punish parents like Susan who are desperately trying to keep their disabled children at home. This family has already used up a trust fund left by a family member to buy extra nursing care. With only Kell working, they don't have enough money to purchase private care.

Minister, I repeat again, this situation was brought to your attention by the member from London North Centre, and you told her there was nothing that could be done. Will you look at this situation again to ensure that you keep your election promise and this family gets the home care hours they so desperately need?

**Hon. Mr. Smitherman:** When we came to office as a government, we made a commitment to make investments in home care which would expand our capacity to support people, and we've made significant achievement on that basis, working in conjunction with our community care access centres.

The honourable member is raising a very particular circumstance. I don't have that information in front of me. I'll be very happy to look into it, as I've said.

We recognize, of course, that we must work hard to support those people especially who are maintaining the independence of individuals by supporting them at home. We're very grateful for the contribution that is made by families in this regard. We know their work is very challenging. It's our duty to support them as best we're able with the variety of resources that are available.

I will look very carefully at the circumstance that has been brought to my attention with a view towards seeing if there are any opportunities that we have to further provide the care to assist this family.

## MUNICIPAL GOVERNMENT

**Mr. Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** My question is for the Minister of Municipal Affairs and Housing. I know the McGuinty government has been working together with municipalities to accomplish a lot for Ontarians. Our government is building opportunity through Move Ontario, a new \$1.2-billion investment in the province's public transit system, municipal roads and bridges. Our government is also delivering on our promise to provide two cents of the provincial gas tax, some \$300 million, to Ontario municipalities every year, and those are just a couple of examples.

Minister, last week, the McGuinty government took another important step in strengthening our communities when you introduced Bill 130, the Municipal Statute Law Amendment Act. Can you please elaborate for all of us in the House here today on how these new provisions would empower local municipal governments and enhance local decision-making?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** Let me first of all congratulate the member from Ancaster-Flamborough etc. on the excellent work he's been doing on behalf of the residents of his community by frequently talking about the needs of his community and the needs at the local municipal council.

He's quite correct that one way to strengthen Ontario is to strengthen the communities that are within Ontario. That's precisely why we are contemplating, in Bill 130, to give municipalities a greater degree of autonomy, a greater degree of power, but also a greater accountability so that they can make the right decisions for the benefit of the residents of their own communities. Bill 130 proposes legislative changes that would build on the relationship that we've built up with the municipal world over the last two and a half years, which I think has been a very positive one, which they appreciate as well.

Our government wants to ensure that Ontario municipalities have the tools, the instruments and the flexibility to effectively serve the benefit and the needs of the—



**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

**Mr. McMeekin:** Minister, that's just great. I know that Roger Anderson, the president of the Association of Municipalities of Ontario, agrees that our government's Bill 130 is "good news for Ontario municipalities and the hundreds of communities they serve."

I know that municipalities across Ontario want to be recognized as responsible levels of government, capable of making local decisions that directly impact their communities. Our government has acknowledged and affirmed this by taking significant steps to provide greater autonomy to municipalities.

As the member for Ancaster–Dundas–Flamborough–Aldershot, the riding with the longest name because our people have the biggest hearts and hopes and dreams, I'm particularly interested in the new measures that would allow municipalities to delegate some of their powers to local community councils. Minister, could you please provide us with some more details about these delegating powers?

**Hon. Mr. Gerretsen:** First of all, let me apologize to the member for mispronouncing his riding name. I know from having visited there a number of times that it is one of the most dynamic parts of Ontario, and his leadership down there certainly makes it that way.

We realize as a government that there are very diverse needs in our communities clear across this province. That's why, in this bill, municipal councils will have the opportunity, if they so wish, to delegate certain decision-making powers to bodies such as local boards and community councils. The kinds of decisions that those community councils can make deal with such issues, for example, as noise bylaws, snow removal, community recreational activities, garbage pickup, and local transit routes. They're the kind of issues that the local communities and the people in those local communities are extremely interested in, and we feel those communities should have the power to basically empower those local community councils.

## STREET RACING

**Mr. Frank Klees (Oak Ridges):** My question is to the Attorney General. Attorney General, Rob and Lisa Manchester lost their lives and their seven-year-old daughter is orphaned—the result of street racing. There are two people in Sunnybrook Hospital now fighting for their lives. They were crushed—the result of street racing. Allison Hickey and Mark Radman and their families and friends want to know today why you and your government have refused to give unanimous consent to the street racing bill which would prevent the further loss of innocent lives and injury. Why are you not willing to pull together on this, to set aside any partisan issues? Why will you not, together with your government, give consent to having this bill passed before the Legislature rises and we head into the summer? Would you do that?

**Hon. Michael Bryant (Attorney General):** Obviously, all of our thoughts are with the Manchester family. There was just a letter in the Toronto Star on June 16 from Reverend Ronald Cote, who wrote that two weeks ago he buried his niece and her husband, Lisa and Rob Manchester. He said in this letter that it was encouraging to hear the York Regional Police had impounded the cars of two street racers and that I had had the cars destroyed on Thursday. He thought that it had been far better that they lose their expensive toys than to have other families go through the pain that their family had experienced.

There's no question, I say to the member opposite, that this issue is being dealt with in the public interest and in the memory of these victims, and we will continue to do so, continue to address the bill in that fashion, the government and the affected ministries. The Ministry of Transportation I'm sure will also want to provide you with an update on this issue in the supplementary.

**Mr. Klees:** Minister, you crushed two cars. Lives are being crushed in this province; lives are being lost. I was told this morning that the reason that unanimous consent is not being granted for this bill is because the Premier's office is angry with me for how I have denounced your handling of this issue. If that is the case, Minister, I will publicly express now my regret for any handling of this issue, and I will ask you to put aside any acrimony relating to this bill and let's do the right—

### *Interjections.*

**The Speaker (Hon. Michael A. Brown):** The government House leader will come to order. I will need to warn the government House leader.

The member for Oak Ridges.

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**Mr. Klees:** I would ask you, Minister, that in the interest of saving lives, before this House rises we set aside any acrimony related to this bill, that we come together, that we do the right thing, that we give passage to this bill in the same way we will be doing in this House later with Bill 89. It's possible to do. Can you give me one reason, sir, why you would not be willing to do this in the interest of—

**The Speaker:** The question has been asked.

**Hon. Mr. Bryant:** As I said, I'll refer the supplementary to the Minister of Transportation.

**Hon. Donna H. Cansfield (Minister of Transportation):** To the honourable member, street racing is illegal. Our thoughts and prayers are with the Manchester family.

As you know, the federal government is proposing new legislation, harsher penalties that will deal with street racing as well in terms of criminal offence. It would make some sense to wait until we have an idea about the impact of that particular legislation as we move forward. So what I am proposing is that I would be more than prepared to sit down with the honourable member to see how the impact of the federal legislation will work on our street racing direction, and work with you to be able to produce what's in the best interest of all the people of Ontario.



## MUNICIPAL ELECTIONS

**Mr. Michael Prue (Beaches–East York):** My question is to the Minister of Municipal Affairs and Housing. Can you please tell this House if you support the full and equal participation of all Ontarians in the electoral process?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** I'll refer that question to the minister of democratic renewal.

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** I thank the honourable member for the question. The answer is, obviously, yes, we do.

**Mr. Prue:** Back to the Minister of Municipal Affairs and Housing again: Then please tell this Legislature and members of the disabled community who are here today, why has it taken you so long to respond to Toronto's disability issues committee and their letter of April asking for amendments to the Municipal Elections Act, amendments that will ensure full access to the electoral process for all voters and candidates. How will you address the concerns brought forward by the disabled community, it now being the end of June, for full and meaningful access in time for this year's municipal elections in November?

**Hon. Mrs. Bountrogianni:** I'll refer it back to the Minister of Municipal Affairs and Housing.

**Hon. Mr. Gerretsen:** Certainly any recommendation that comes forward from any group as to how the Municipal Elections Act can be changed is taken seriously. The ministry is reviewing the issue right now and we will be reporting back to this House on that at some point in time in the future.

## GROWTH PLANNING

**Mr. Jeff Leal (Peterborough):** My question is for the Minister of Public Infrastructure Renewal. Minister Caplan, in your statement on Monday, you rose in the House and explained how the growth plan for the greater Golden Horseshoe was shaped by stakeholder collaboration and agreement. The list of co-operative interest groups included environmentalists, developers and municipalities that worked well together for the greater good. This government has once again proved its capability to lead through negotiation and teamwork by providing a plan that will benefit not only communities but the province as well. In that regard, Minister, I was curious what type of feedback you've received since the release of the growth plan for the GGH, specifically from the municipal level.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I thank the member for the question because the growth plan is truly a remarkable achievement that we should all collectively be proud of. We've taken the first steps to protect our citizens, to promote a strong economy, to protect our environment from the ill effects of unplanned growth.

This week alone I visited the communities of Niagara, Hamilton, Kitchener-Waterloo and Oshawa. The response, I can report to the member from Peterborough, has been overwhelming. In each and every community that I visited, they see the value in long-term planning and the enormity of the undertaking of the growth plan. The co-operation among such a wide variety of interest groups has been the result of two years of hard work to create a solid plan that would benefit everyone. Hours of consultation and negotiation were spent to ensure that everyone was afforded an opportunity to express their concerns, alternatives, directions and their dreams. The growth plan is a reflection of that input.

I want you to know that the consultation doesn't end with the release of the growth plan. We're going to continue to work with municipalities to ensure that solutions are flexible. I am impressed with the municipal leadership that's been demonstrated in communities right across—

**The Speaker (Hon. Michael A. Brown):** Supplementary.

**Mr. Leal:** Minister, I want to thank you for that comprehensive answer, and I'll work in Peterborough in my supplementary. My riding of Peterborough is expected to have a substantial amount of growth in both people and jobs. In the next 20 years, we're expected to have an increase of 20,000 people to our riding—county and city combined. This is wonderful news, but as you mentioned before, the area's expansion has to be orderly and should be built on Peterborough's significant efforts towards heritage, transit and natural environment.

I was wondering specifically, Minister, what type of feedback you had received from Peterborough's municipal representatives. I'm excited for Peterborough's constituents, and I expect us to be well prepared for the predicted growth in our region.

**Hon. Mr. Caplan:** In fact, I have a response directly from the mayor of Peterborough, Sylvia Sutherland. She said, "Peterborough will benefit from the growth plan. The province's focus on revitalizing existing urban centres makes sense for the city and we look forward to working together with the province on this initiative."

The member from Peterborough would also be interested to know that Peterborough county warden, Neil Cathcart, was at the launch of the growth plan last Friday, and he offered me, in person, his encouragement and support for the growth plan and the positive effects that it will have for Peterborough county.

Peterborough county and the city are expected to have quite an increase in population, employment and jobs. That's great news, because the riding will have a sizable economic boom, with an increase of jobs and opportunities. We've begun the process to support the great people of Peterborough with the ingredients in our budget in infrastructure investment. For example, my colleague Mr. Duncan introduced Move Ontario, a key public transportation strategy—

**The Speaker:** Thank you.



## NATIVE LAND DISPUTE

**Mr. Tim Hudak (Erie–Lincoln):** Back to the Minister of Community Safety and Correctional Services: Let me read you some of the headlines in today's newspapers. Brantford: "There's No Law in Caledonia." London Free Press: "Caving In at Caledonia; Willing to Buy Peace At Any Price, the Province Gives Into Thugs and Sets a Dangerous Precedent." Stratford: "Residents Demand Law and Order." North Bay: "Caledonia Residents Demand Law and Order."

Clearly, Minister, under your watch, the rule of law has been suspended. The Toronto Star reports, and I gave you this quote, "There were physical assaults taking place in front of you and you couldn't do anything about it. The OPP is a joke in terms of Caledonia. It has tarnished our name," said a front-line OPP officer.

Minister, is the reason you're not acting because you think that the author, Jessica Leeder, and the Toronto Star fabricated the story? Is that why you're not acting?

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** The reason I'm not acting is because I have a responsibility not to interfere with the operation of the OPP. It's too bad your seatmate isn't beside you, because he was quoted just recently when he was interviewed about an event that is taking place somewhere else in the province, and he said, "The Solicitor General should not interfere with policing in Ontario." That is a basic policy that every single Solicitor General not only does honour, but has to. Otherwise, they have no choice but to resign.

**Mr. Hudak:** This assembly has had weeks and weeks—in fact, 115 days—of excuses from Premier McGuinty; excuses from the Minister of Correctional Services. The reason you're not acting is because you want to remain wilfully deaf and blind to the crisis in Caledonia and the suspension of the rule of law.

The minister said earlier that if I gave him the name of a senior police officer who says there's something going on down there, he would then investigate. "Due to political pressures and optics involved with this, the OPP seems to be bending their own rules while sacrificing officer safety." He cites deviations from usual practices, such as telling the tactical team not to wear riot gear on the site lest they provoke a native backlash. That's from Karl Walsh, the president of the Ontario Province Police Association. Surely that fits your definition of an important police officer. Minister, hearing this, surely you'll look into the matter.

**Hon. Mr. Kwinter:** The member either doesn't listen or doesn't want to listen. I quoted—

*Interjection.*

**Hon. Mr. Kwinter:** Okay, well, let me tell you what he also said. You had your chance to speak. You had your chance—

*Interjection.*

**Hon. Mr. Kwinter:** I think it's important to understand—this is what one of his colleagues said about him. He said, "We have a minister who's incapable, incor-

petent, in handling it, and that is Minister Hudak." Let me tell you this and let me read this to you. This is your own colleague who said that about you. Let me read this quote one more time. You quoted Karl Walsh, and Karl Walsh said, "... he appreciates the government's hands-off approach to policing in Caledonia and says the opposition should stop playing politics with the standoff." That's Karl Walsh. He said that. He said you're playing politics and that he—

**The Speaker:** Thank you.

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## ARTS AND CULTURE FUNDING

**Mr. Peter Tabuns (Toronto–Danforth):** My question is for the Minister of Culture. Your ministry is one that has been flat-lined for a number of years. Your predecessor started a process to restructure the ministry so that there would be a separation of policy development and service delivery. There's no clear advantage to going forward with this restructuring. Will you commit to setting aside this restructuring?

**Hon. Caroline Di Cocco (Minister of Culture):** I would like to remind the member that we have made more than \$125 million in new investments in the arts and cultural community. We have provided a further \$49 million to support capital projects at the Royal Ontario Museum, the Art Gallery of Ontario, the National Ballet School, the Gardiner Museum of Ceramic Art, the Royal Conservatory of Music and the Canadian Opera Company. I think that the cultural sector in this province, for the first time in a long time, has a great deal of hope because of the actions of this government.

**Mr. Tabuns:** I appreciate you reading out that list, Minister, but you haven't addressed the question of restructuring. Many in the cultural sphere see this restructuring as preparation for further reductions in the budget and setting the stage for contracting out of services. It will also result in the loss of in-house expertise that the ministry can ill afford to lose. Minister, will you tell this Legislature today that there will be no contracting out and no budget reductions for this ministry arising from this restructuring?

**Hon. Ms. Di Cocco:** I believe it's important that ministries consistently take a look at how they are doing their job, because it's important that we put in best practices, that we evaluate what we're doing, how we're doing it, so that we can be more effective, can be more efficient and can do the jobs we do better. It is not good enough that we remain constantly frozen in the past—that we modernize and bring our business governance into the 21st century

## RENEWABLE FUELS

**Ms. Deborah Matthews (London North Centre):** My question is to the Minister of Agriculture and Food. Minister, last week you announced the successful applicants for funding under the Ontario ethanol growth fund.



I know this program holds tremendous potential for the future of Ontario's ethanol industry. Would you explain to us how last week's announcement will affect rural communities, an issue of great importance to all Ontarians, including those living in urban areas like my riding of London North Centre.

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** It's a very good question. I'm so happy to receive it from a very hard-working member in this Legislature who, in her circles, is also known as Dr. Matthews. So thank you very much.

It does give me an opportunity to talk about the many advantages, for the people of Ontario and certainly for people in rural communities, that our ethanol growth fund announcement means. First of all, it means a cleaner environment for the people of Ontario when we burn cleaner gas. That was a commitment we made to the people before we were elected, and we're following through on that.

The second thing it means is that we are investing, in capital alone, \$32.5 million. Those dollars are going to be invested in rural communities like Hensall, like Chatham, like Aylmer, like Cornwall, like Collingwood. Those communities will benefit when the companies make their investments to expand their facilities.

The third very important point is that with our ethanol growth fund we are also providing new markets for corn producers—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Ms. Matthews:** I know that the people of southwestern Ontario are particularly happy to hear last week's announcement. Indeed, in my community of London, our community depends in large part on the health of the rural areas that surround it. Maybe you could tell us more, please, about what last week's announcement will mean for the people of southwestern Ontario.

**Hon. Mrs. Dombrowsky:** I had the privilege last week of attending the Integrated Grain Processors Co-op announcement in Aylmer, which is very near the city of London. It was a \$14-million allocation to help the co-operative build an ethanol plant.

Now, I want to talk about the co-operative that received these funds. This is a co-operative made up of 650 farmers from the area around the city of London. They got together, formed a co-operative and brought a proposal to the government. This co-operative will have the opportunity to determine where they purchase their corn. I would expect that, if any of those 650 farmers grow corn, they're going to indicate that that might be a very good place to buy it.

We believe it has been a very positive venture investment for the people in the communities where we have made the capital announcements. We're delighted with the initiative that has come forward from the group in Aylmer, from the farmers in that area.

## WATER QUALITY

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** My question is to the Minister of the Environment. The Ontario Sewer and Watermain Construction Association is concerned with your slow pace of addressing the recommendations in the expert water panel report.

Minister, it has been four years since the passage of Bill 175, and we are almost at the one-year anniversary of the Watertight report. The fact remains that there is a gaping hole in your clean water agenda. You're not addressing the state of the pipes that bring clean water in and that take the dirty water away from our homes.

The previous Conservative government had already laid the foundation for you. All that is required is for your government to release the regulations that would bring into force the Sustainable Water and Sewage Systems Act. My question is, will you finally release these regulations today?

**Hon. Laurel C. Broten (Minister of the Environment):** I'm very pleased to have a chance to remind my friend opposite what our government has done to turn this province away from the legacy of Walkerton, the legacy that was left by your government.

I had the privilege this week to go to Walkerton and stand side by side with Justice O'Connor as he and I opened the new technology training centre in Walkerton. At that time, Justice O'Connor, who talked about all of the areas in water improvement that he needed to see in this province, so we could ensure that we would never in this province again have a tragedy like Walkerton, was so very pleased with what we have accomplished.

So let me spend a few minutes just now telling you about the source-to-tap protection that we are undertaking. The Clean Water Act is the first piece of that new era in water protection in the province. We have done much more—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Ms. Scott:** When the minister met with Justice O'Connor this week, I wonder if he asked you when you're going to implement all the recommendations that you promised you would in your Liberal campaign? You haven't done that. You're almost three years into government. It's been a year since the expert water panel report has come down.

Minister, a lot of time has passed. What have you actually accomplished? The photo ops are over. So today, when are you going to respond and implement all of Justice O'Connor's recommendations and respond to the expert water panel report?

1520

**Hon. Ms. Broten:** It's a little rich to be lectured from that side of the House about how we will protect water in this province. We have increased investments on the waterfront every step of the way: \$67.5 million to the science of watershed mapping and planning—for the first time ever in this province, we will have an understanding of how much drinking water we have and how good that

water is; we have increased the number of inspectors; we have increased the amount of training; and we have put in multiple barriers all along the way.

It would also be imperative to conduct a bit of research on the other side of the House. You should examine the chief drinking water inspector's recent report. He has clearly indicated that we can be proud of the safety of the drinking water of this province. Thirty-eight of 65 of Justice O'Connor recommendations have been done since October 2003, and we will implement every single—

**The Speaker:** Thank you. New question.

### DIET SUPPLEMENTS

**Mr. Michael Prue (Beaches—East York):** My question is to the Minister of Community and Social Services. Madam Minister, I am again compelled to remind you of the case of Brian Woods from Lindsay, who suffers from heart disease and diabetes. He has bleeding holes in his feet. He is nearly blind.

Brian struggles to get by on his ODSP. He was finally awarded a special diet supplement after having the Ombudsman's office intervene. You have now cut that special diet money in half. Can you tell this House, and more importantly Brian, why you have done this? Will you reverse the decision so that he can have the food he needs to survive?

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** I would like to thank the member for this important question. First of all, let me tell you that the diet supplement has been reviewed and we have consulted at the request of the Ontario Medical Association. We have reviewed the process, and the Ontario Medical Association has proposed a new way of giving grants or financial assistance to those who need special diets. Now we have diagnoses where a patient needs a special diet, and those clients will receive the supplement.

This process will be reviewed this summer, with the support of the Ontario Medical Association, and if we need to have other diagnoses on the list, we will do that.

### PETITIONS

#### HIGHWAY FUNDING

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the federal government collects over \$5.2 billion annually in tax revenues from the sale of gasoline products; and

"Whereas the federal government, in addition, collects over \$1.8 billion annually in GST revenue from the sale of gasoline products; and

"Whereas the previous federal Liberal government refused to commit additional funding for assisting road infrastructure in the province of Ontario;

"Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to work with the new federal Conservative government in achieving a federal-provincial program to assist in further development of Ontario's interprovincial roads such as the Trans-Canada Highway and Highway 401."

I affix my name as I support this petition.

#### MUNICIPAL RESTRUCTURING RESTRUCTURATION MUNICIPALE

**Ms. Shelley Martel (Nickel Belt):** I have a petition that has been signed by 2,132 citizens of the city of greater Sudbury. It was sent to me by Claude Berthiaume, councillor, ward 2, in the city of greater Sudbury. These are in addition to the 10,388 signatures on the same issue I introduced in this House on May 15, 2006. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the citizens of the city of Greater Sudbury believe they are overtaxed and underserved and feel like second-class citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Direct the city of Greater Sudbury council to hold a referendum. The purpose of this referendum would be to obtain the citizens' opinion as to whether they prefer to maintain the city's new structure or return to the previous regional municipality structure.

« À l'Assemblée législative de l'Ontario :

« Alors que les citoyens de la ville du Grand Sudbury croient qu'ils payent trop de taxes, voient une diminution dans les services et ressentent que leur voix ne compte pas;

« Nous, les soussignés, pétitionnons l'Assemblée législative de l'Ontario comme suit :

« Exiger que le conseil de la ville du Grand Sudbury tienne un référendum. Le but de ce référendum est de connaître l'opinion des citoyens : savoir s'ils préfèrent conserver la présente structure de la ville ou de retourner à l'ancienne structure de la municipalité régionale. »

I agree with the petitioners. I've affixed my signature to this petition.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Tony Ruprecht (Davenport):** This petition is in support of skilled immigrants, and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and



"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

Since I agree with this petition 100%, I'm delighted to sign it.

#### NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand-Norfolk-Brant):** A petition titled "We Demand Leadership in Land Dispute." This relates to Six Nations in Caledonia.

"Whereas the McGuinty government was notified of this land issue over a year ago; and

"Whereas the standoff has been ongoing since February 28, 2006; and

"Whereas there has been no leadership from senior levels of government;

"We, the undersigned, demand that the McGuinty Liberals start showing some real, consistent and timely leadership in dealing with the current standoff in Caledonia."

I agree with the sentiments and have affixed my signature, and I will be asking our page Madeleine, from my riding, to deliver this to the Clerk's desk.

#### FETAL ALCOHOL SPECTRUM DISORDER

**Ms. Shelley Martel (Nickel Belt):** I have a petition that's been sent to my colleague the member for Rainy River, and I'm pleased to present it on his behalf. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Northwestern Ontario Fetal Alcohol Syndrome Disorder Diagnostic Clinic has been operating as a demonstration project since December 2004 with funds received through the Ministry of Health and Long-Term Care;

"Whereas this funding expires July 31, 2006;

"Whereas there is an enormous need in northwestern Ontario for regional access and accurate diagnosis of FASD;

"Whereas, without the northwestern Ontario FASD clinic, services are only accessible through a clinic in Winnipeg, Manitoba, or St. Michael's Hospital in Toronto, for which there is a four-year wait;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Be it resolved that the provincial government commit to provide ongoing funding for the maintenance of the regional FASD diagnostic clinic, with two sites in northwestern Ontario."

The leader agrees with the petition, and I have signed my name to it as well.

#### GO TRANSIT TUNNEL

**Mr. Tony Ruprecht (Davenport):** This petition is about the very famous dilapidated bridge on Old Weston Road and Keele Street. You've heard this petition before, but I hope you give me a chance to read it, because I keep getting hundreds of them every day.

"Whereas GO Transit is presently planning to tunnel an area just south of St. Clair Avenue West and west of Old Weston Road, making it easier for GO trains to pass a major rail crossing;

"Whereas TTC is presently planning a TTC right-of-way along all of St. Clair Avenue West, including the bottleneck caused by the dilapidated St. Clair Avenue-Old Weston Road bridge;

**1530**

"Whereas this bridge (underpass) will be: (1) too narrow for the planned TTC right-of-way, since it will leave only one lane for traffic; (2) it is not safe for pedestrians (it's about 50 metres long). It's dark and slopes on both east and west sides, creating high banks for 300 metres; and (3) it creates a divide, a no man's land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

"Therefore we, the undersigned, demand that GO Transit extend the tunnel beyond St. Clair Avenue West so that trains will pass under St. Clair Avenue West, thus eliminating this eyesore of a bridge with its high banks and blank walls. Instead it will create a dynamic, revitalized community enhanced by a beautiful continuous cityscape with easy traffic flow."

Since I agree with this, I'm very happy to sign this petition.

#### LESLIE M. FROST CENTRE

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** "Recommendations for the Frost Centre

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government announced the closure of the Leslie M. Frost Natural Resources Centre in July 2004 with no public consultation; and

"Whereas public outrage over the closure of the Frost Centre caused the government to appoint a working committee of local residents to examine options for the future of the property; and

"Whereas the working committee has completed their consultations and has prepared recommendations for the provincial government that include a procedure to follow during the request for proposals process; and

"Whereas the Frost Centre has been an important educational resource for the community, and continued use of the facility for educational purposes has widespread support;

"We, the undersigned, petition the Parliament of Ontario as follows:

"The Dalton McGuinty Liberals should retain public ownership of the Frost Centre lands and follow the recommendations of the working committee regarding the request for proposals process."

I thank all those who signed the petition, and hope the government does listen to their proposals, and hand it to the page Pardeep.

### AUTISM TREATMENT

**Ms. Shelley Martel (Nickel Belt):** I have a petition that was given to me in Kingston on Monday morning at a rally involving children with autism. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas children with autism who have reached the age of six years are no longer being discharged from their preschool autism program; and

"Whereas these children should be getting the best special education possible in the form of applied behaviour analysis (ABA) within the school system; and

"Whereas there are approximately 700 preschool children with autism across Ontario who are required to wait indefinitely for placement in the program, and there are also countless school-age children that are not receiving the support they require in the school system; and

"Whereas this situation has a negative impact on the families, extended families and friends of all of these children; and

"Whereas, as stated on the website for the Ministry of Children and Youth Services, 'IBI can make a significant difference in the life of a child with autism. Its objective is to decrease the frequency of challenging behaviours, build social skills and promote language development';

"We, the undersigned, petition the Legislative Assembly of Ontario to fund the treatment of IBI for all preschool children awaiting services. We also petition the Legislature of Ontario to fund an education program in the form of ABA in the school system."

I agree entirely with these families. I've affixed my signature to this.

### HOME CARE

**Mr. Tony Ruprecht (Davenport):** I have a petition to the Legislative Assembly of Ontario, and it has to do with home care for seniors. It reads as follows:

"Whereas access to home care for seniors and persons with disabilities allows them greater independence within their own homes and the ability to limit the amount of time that they are forced to stay in hospitals and/or long-term-care facilities; and

"Whereas doctors, nurses and health care workers need to be recognized and supported for the outstanding work they do within their communities, which must translate into increased funding and resources for their efforts; and

"Whereas implementing the Caplan review will contribute to a more stringent set of guidelines for ensuring that home care and community support services are more effective and far-reaching;

"We, the undersigned, respectfully petition the Parliament of Ontario as follows:

"That the Liberal government's commitment to contribute \$117.8 million to improve home care and implement the Caplan review be supported by all members of the House."

Since I agree with this petition, I am very happy to support it and sign my name to it.

### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mrs. Julia Munro (York North):** "To the Legislative Assembly of Ontario:

"Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

"Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

"Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

"We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community."

As I am in agreement, I affix my signature and have given it to page Nolan.

### SCHOOL FACILITIES

**Ms. Shelley Martel (Nickel Belt):** I have a petition addressed to the Legislative Assembly of Ontario, and it reads as follows:

"We, the parents, taxpayers and residents of Valley East, appeal and petition the Minister of Education to review the current Rainbow District School Board proposal to build one school for French immersion students only in the community of Valley East.

"We appeal to the minister and request her assistance in working with us and the Rainbow board to find a more practical solution that better meets the needs of all Valley students. The success of all students must be the priority, balanced with fiscal responsibility.



"We believe all the children in our community deserve an equal educational experience that will encourage and promote academic excellence. We want the Rainbow District School Board to do more to address the needs of their Valley East students enrolled in the regular programs from grades JK to 8. The current proposal creates unequal educational environments and opportunities between children within the same community, administered by the same board."

I have affixed my signature to this.

#### LONG-TERM CARE

**Mr. Tony Ruprecht (Davenport):** I have a petition addressed to the Legislature of Ontario, and it is about long-term-care homes for Portuguese seniors.

"Whereas Portuguese Canadians number 171,545 in the Toronto census metropolitan area, many of whom encounter serious barriers (language, culture and location) to accessing community and long-term-care services; and

"There are no long-term-care homes dedicated to the needs of Portuguese-Canadian seniors; and

"Camões House for the Aged and Portuguese Community Centre of Toronto is proposing a partnership with a local long-term-care provider to purchase up to 160 existing beds in the Toronto area (for a nominal fee) to develop a Portuguese-Canadian long-term-care home in Toronto. This partnership is tentative and is dependent on the approval of the Ministry of Health and Long-Term Care;

"We, the undersigned, petition the Legislature of Ontario as follows:

"We encourage the Minister of Health and Long-Term Care, his staff, and members of the Legislature to support the Camões proposal and to make the appropriate administrative and policy changes required to develop a Portuguese-Canadian long-term-care home in Toronto."

I'm delighted that this petition came to our attention, and I support it fully.

#### ORDERS OF THE DAY

##### GOOD GOVERNMENT ACT, 2006

##### LOI DE 2006

##### SUR LA SAINE GESTION PUBLIQUE

Mr. Bradley, on behalf of Mr. Bryant, moved third reading of the following bill:

Bill 190, An Act to promote good government by amending or repealing certain Acts and by enacting one new Act / Projet de loi 190, Loi visant à promouvoir une saine gestion publique en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi.

**The Acting Speaker (Mr. Joseph N. Tascona):** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Mr. Speaker, I believe we have unanimous consent to call orders for second and third reading of Pr bills concurrently.

**The Acting Speaker:** Is there unanimous consent to call Pr bills concurrently? Agreed.

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##### RONALD MCDONALD HOUSE (HAMILTON) ACT, 2006

Ms. Marsales moved second reading of the following bill:

Bill Pr18, An Act respecting Ronald McDonald House (Hamilton).

**The Acting Speaker (Mr. Joseph N. Tascona):** Is it the pleasure of the House that the motion carry? Carried.

Ms. Marsales moved third reading of the following bill:

Bill Pr18, An Act respecting Ronald McDonald House (Hamilton).

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

##### GOLDEN DREAMS HOME AND DECOR LTD. ACT, 2006

Mr. Qaadri moved second reading of the following bill:

Bill Pr19, An Act to revive Golden Dreams Home and Decor Ltd.

**The Acting Speaker (Mr. Joseph N. Tascona):** Is it the pleasure of the House that the motion carry? Carried.

Mr. Qaadri moved third reading of the following bill:

Bill Pr19, An Act to revive Golden Dreams Home and Decor Ltd.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

##### SISTERS OF ST. JOSEPH OF HAMILTON ACT, 2006

Mr. Levac moved second reading of the following bill:  
Bill Pr25, An Act respecting The Sisters of St. Joseph of Hamilton.

**The Acting Speaker (Mr. Joseph N. Tascona):** Is it the pleasure of the House that the motion carry? Carried.

Mr. Levac moved third reading of the following bill:

Bill Pr25, An Act respecting The Sisters of St. Joseph of Hamilton.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

## TALPIOT COLLEGE ACT, 2006

Mr. Zimmer moved second reading of the following bill:

Bill Pr26, An Act respecting Talpiot College.

**The Acting Speaker (Mr. Joseph N. Tascona):** Is it the pleasure of the House that the motion carry? Carried.

Mr. Zimmer moved third reading of the following bill:

Bill Pr26, An Act respecting Talpiot College.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

THUNDER BAY INTERNATIONAL  
AIRPORTS AUTHORITY INC. ACT, 2006

Mr. Mauro moved second reading of the following bill:

Bill Pr27, An Act respecting Thunder Bay International Airports Authority Inc.

**The Acting Speaker (Mr. Joseph N. Tascona):** Is it the pleasure of the House that the motion carry? Carried.

Mr. Mauro moved third reading of the following bill:

Bill Pr27, An Act respecting Thunder Bay International Airports Authority Inc.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

## MOTIONS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Mr. Speaker, I believe we have unanimous consent to revert to motions to move two motions without notice regarding Bill 89, Bill 120 and Bill 209.

**The Acting Speaker (Mr. Joseph N. Tascona):** Is there consent? Agreed.

## CONSIDERATION OF BILLS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that the April 20, 2006, order of the House referring Bill 89, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario, to the standing committee on justice policy be discharged and the bill be referred instead to the standing committee on regulations and private bills; and

That the June 8, 2006, order of the House referring Bill 120, An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes, to the standing committee on general government be discharged and the bill be referred instead to the standing committee on regulations and private bills;

That the standing committee on regulations and private bills be authorized to meet during the summer adjournment in accordance with the schedule of meeting dates agreed to by the whips of the recognized parties and tabled with the Clerk of the Assembly to examine and inquire into the following matters:

Bill 89, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario, and Bill 120, An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes;

And with the agreement of the whip of each recognized party, the time allotted for consideration by the committee may be amended.

**The Acting Speaker (Mr. Joseph N. Tascona):** Is the House familiar with the motion? Is it the pleasure of the House that the motion carry? Carried.

## CONSIDERATION OF BILL 209

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that the December 1, 2005, order of the House referring Bill 209, An Act to amend the Highway Traffic Act with respect to the suspension of drivers' licences, to the standing committee on general government be discharged and it be ordered for third reading.

**The Acting Speaker (Mr. Joseph N. Tascona):** Is it the pleasure of the House that the motion carry? Carried.

## ORDERS OF THE DAY

(continued)

HIGHWAY TRAFFIC  
AMENDMENT ACT (DRINKING AND  
BOATING OFFENCES), 2006LOI DE 2006 MODIFIANT  
LE CODE DE LA ROUTE  
(INFRACTIONS RELATIVES À L'ALCOOL  
ET À LA NAVIGATION DE PLAISANCE)

Mr. Zimmer moved third reading of the following bill:

Bill 209, An Act to amend the Highway Traffic Act with respect to the suspension of drivers' licences / Projet de loi 209, Loi modifiant le Code de la route en ce qui concerne les suspensions de permis de conduire.

**The Acting Speaker (Mr. Joseph N. Tascona):** The Chair recognizes Mr. Zimmer.

**Mr. David Zimmer (Willowdale):** If I may briefly speak to this bill, Bill 209 changes the law so that people who are convicted of impaired powerboat operating will lose their Ontario driver's licence. There is similar legislation in place now, for instance, dealing with snowmobiles, where someone who is convicted of the im-



paired operation of a snowmobile in Ontario will lose their Ontario driver's licence.

This legislation draws a connection between impaired boat operation and the value of an Ontario driver's licence. Studies have shown that people value their Ontario driver's licence, that if they feel there's a risk of losing their Ontario driver's licence if they're caught operating a boat while impaired, that will serve as a deterrent to impaired boat operation.

This will make the waterways and rivers in Ontario a safer place. This bill has broad support from boaters, from municipalities on Ontario's lakes and rivers, from the police officials who police those lakes and rivers here in Ontario.

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It has broad support from the insurance industry in Ontario and in Canada. In particular, the Insurance Bureau of Canada has endorsed it. They see it as a measure that will make our lakes and rivers safer, that will prevent injury and death.

Above all, families and their loved ones support this legislation. Everyone wants themselves and their family members to enjoy the lakes and rivers of Ontario in a safe way.

The health care sector supports this legislation to the extent that it eliminates serious injuries on our lakes and rivers. This is good for the costs incurred by the Ontario health system.

Above all, in my conversations with my fellow colleagues here in this Legislature from all parties—Conservatives, the NDP, and of course the Liberals—this bill enjoys the full support of my colleagues.

In short, this is the right thing to do for Ontario. Ontario's rivers and lakes are a great source attracting tourism and the pleasure of Ontarians in the summer. If it makes it a safer and better place for them, it's the best thing that can happen for Ontario this summer.

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to speak on behalf of the PC Party on Bill 209, An Act to amend the Highway Traffic Act with respect to the suspension of drivers' licences. I consider it an honour to be able to speak to this bill. I very much support the bill, as do members of our party and as does our leader, John Tory.

I'm very pleased to have this opportunity. I know this bill has come before the House a couple of other times. I think the last time it was the former member for Muskoka, Bill Grimmett, who brought it forward—I believe it was in 1998—but it has not made it all the way through the House and become law. So it is very much my hope that this afternoon it does become law.

I would like to point out the hard work of Mr. Ken Crompton, who I know has lobbied very hard with all parties to see this bill passed. He's a very determined and good lobbyist, I must admit. He called me a few times on my cellphone and met with me personally and also had friends of mine, like Blake Hutcheson, call me and make me very much aware of the bill. So I think all members are aware of how important this bill is. He does so

because he very much has personal reasons, as his son Peter was killed in a tragic accident on Lake Joseph in my riding in 2003.

It's my belief that this bill will go a long way toward changing people's attitudes about drinking and boating. Over the last 30 years we've seen tremendous changes in people's attitudes in society generally toward drinking and driving an automobile. The same thing has not happened in terms of drinking and boating. I would argue that operating a boat is in fact a lot more difficult, with more changing circumstances and conditions than driving an automobile, particularly if it happens to be a weekend or if you happen to be boating at nighttime, when it could be quite dark and there are lots of variable conditions. If it happens to be daytime and it's a busy weekend, there are tubers, there are canoeists, there are sailboats, there are kids swimming, there are scuba divers, there are fishermen; there are all kinds of different things to consider. You also have the hot sun and movement of the boat, which affect your ability to operate a boat.

In fact, SMARTRISK has published information where they say, "In fact, alcohol use while boating can be more dangerous than drinking and driving a car, since the effects of alcohol are considerably more impairing on water than on land. Research has shown that marine factors such as motion, vibration, noise, sun, wind and spray all affect the operator's ability to concentrate properly." In addition, SMARTRISK was recently commissioned to conduct a research project in Simcoe county and the district of Muskoka. The research results showed that individuals who would never think of drinking and driving readily drink and boat. That's something that has to change in this province. This bill will go a long way towards making that change. I grew up on Lake Muskoka. I spent just about 50 years living on the lake, boating from a very young age. I've experienced firsthand the lake's getting busier, but also the dangers involved with boating before you throw in alcohol.

This bill just makes good sense. I know that the PC Party very much supports it. I'd like to also point out that I know there were some news articles suggesting that maybe the opposition parties were somehow not supporting this bill. We have always supported it, we continue to support it and we look forward to the passage of the bill today.

I would also like to point out that in the statistics from 1996 to 2000, 46% of the deaths on the water involved alcohol. In 2002, 43 people were killed in boating incidents. You can take roughly half of those and say they may not have been killed had this law been passed. It's going to take time to change people's ways, but this bill will help and it will make a difference, so I very much support it passing. It's also the right time of year, as a busy summer is about to start.

On that point—just looking after self-interests—I'd certainly encourage everyone to come and visit Parry Sound–Muskoka and enjoy that beautiful summer that's about to start. I know the member who's sponsoring this bill looks forward to getting up to his cottage on Eilean



Gowan Island, I believe. I'll certainly look forward to welcoming him to Parry Sound-Muskoka.

We support this bill and look forward to it passing.

**Mr. Peter Kormos (Niagara Centre):** New Democrats support this bill and will be voting for it and are pleased that it will receive third reading passage this afternoon. Indeed, I recall Mr. Zimmer—it must have been just within weeks of his being elected to this Legislature as a novice, a tyro MPP—approached me in the lounge, because he was sitting in the rump at the time; he hadn't made it to the Premier's side of the benches. I remember in one of my first conversations with him his enthusiasm for this particular proposition. I indicated to him then that I thought it was an admirable and appropriate objective. I'm pleased that he's been able to take this bill to this stage, the third reading stage.

I have a little different take, I suppose, on the rationale for the bill. It's my view—and I put to you it's a valid perspective—that the reason you suspend the licence of a drunken boater is because a person who is irresponsible enough to get all drunked up and drive a boat is also irresponsible enough to get all drunked up and get behind the wheel of a car. End of story. It's not just about making the lakes or waterways safer; it's about making our roadways safer. We've still got a long way to go in terms of drunk driving and stigmatizing drunk driving.

Things have changed dramatically in the lifetime of every one of us here in this chamber, but there's obviously still far too many deaths and serious tragedies that flow from people who are inclined to get all drunked up and get behind the wheel of a motorized vehicle: a boat, a snowmobile, a car. I think the connection is very, very intimate. It's a nexus that is obvious.

In the course of this, I think we also have to commend the government House leader and Bob Runciman, the Conservative House leader—I confess, I was there too—because it took a lot of effort on the part of Mr. Zimmer, but also on the part of his House leader, to get the bill to this point. There was just an incredible—just a plethora of misinformation that was being floated around and communicated. Some of it at times became irritating, because some of it actually put the bill at risk. Some of the chattering that was going on endangered the bill, when every party here wanted to see this bill succeed. There's any number of bills that we want to see succeed, but the legislative process is such that not all of those bills get to third reading. I simply make that observation.

1600

I'll repeat again that I'm grateful to the government House leader and to Mr. Runciman, the Conservative House leader, for their work at ensuring this bill got to third reading. There's a whole lot of good private members' public business that isn't going to get to third reading. There's a whole lot of private members' public business that is important legislation that's not going to make it beyond the one hour of second reading. That's why I particularly like the proposal by Ted Arnott, a Conservative member whose resolution is on the order paper, calling for the addition of one more hour on

Thursday mornings. They'll start at 9 instead of 10 so there can be three hours, three private members' public business slots, rather than the current two. I think that's an incredibly valuable proposal, and it's one that I think we should consider as seriously as we're considering Bill 209. There's good stuff that comes out of it, and I'm not talking about the fluff, because there's fluff that comes here. We see it Thursday mornings. It's fluff. I've nothing against moms or apple pies, but it's mom-and-apple-pie stuff that isn't going to effectively change the world for anybody. But there are some good proposals that come forward.

Dave Levac, Bill 3, anaphylactic shock responses in schools: private members' public business—a good bill. I recall all the way back, oh yes, to the early 1990s when Dianne Cunningham, for whom I still have great affection and regard, from London introduced a bill because she had tragedy in her own life. She introduced a bill requiring bicyclists to wear helmets. Of course, that has now become the norm. We see adults riding without helmets, but it's a rare occasion when we see a kid riding a bicycle without a helmet. It's private members' public business.

I have to say I regret the manner in which private members' public business can sometimes just be a showcase for that one hour on Thursday mornings. Governments are disinclined to adopt the private members' bills of opposition members; they just are. There's an inertia. I suppose in that respect, we're fortunate that it was a government member who had this proposal. But they're disinclined to do that, and I for the life of me don't understand why. I suspect I can be as partisan as anybody in this chamber, and I understand that adversarial relationship between government and opposition, and it's a healthy one. It should be that way. It's supposed to be that way. It's important that opposition be opposition and be aggressive. But at the same time, I think there are occasions when we recognize that there are simply good ideas being put forth.

So I hope that this is a lesson, this exercise—and it was a difficult one. It wasn't an easy one. It was a difficult exercise. As I say, from time to time, they risk being derailed just because of the nature of things. I hope this is an exercise that we all learn from in terms of understanding good legislation and paving the way for it to become law. New Democrats are pleased that our member Michael Prue's Bill 120—again, as a result of the work of the government House leader at House leaders' meetings—is going to be put to committee for consideration and is going to be discharged by that committee. So it will then be ready—assuming the committee passes it—for third reading. It's not a phony, one-day committee hearing, where the bills are designed simply to be prepared to go off into legislative orbit, to enter Stephen Hawking's black hole, where so much good legislation and so many good resolutions end up. So we're pleased that Michael Prue, with Bill 120, is going to get due consideration.



I commend once again Mr. Zimmer for his authoring of the bill, for his stewardship of it. I thank once again House leaders for the government, Jim Bradley, and for the Conservative Party, Bob Runciman, who worked incredibly hard to make sure this bill made it to third reading. I thank Ken Crompton who, with an incredible amount of courage, has made sure that this issue is profiled, that this bill had a little better chance of surviving the black hole syndrome than it would have had, were it not for Ken Crompton's perseverance, tenacity and, as I say, his inevitable courage.

I look forward over the course of the next year and three months, give or take, to us seeing other good private members' business come to third reading, good bills from members of all three caucuses here. It makes for a better Ontario.

**The Acting Speaker:** Further debate?

Seeing none, Mr. Zimmer has moved third reading of Bill 209, An Act to amend the Highway Traffic Act with respect to suspension of drivers' licences. Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

GREATER TORONTO  
TRANSPORTATION AUTHORITY  
ACT, 2006

LOI DE 2006 SUR LA RÉGIE  
DES TRANSPORTS DU GRAND TORONTO

Resuming the debate adjourned on June 19, 2006, on the motion for third reading of Bill 104, An Act to establish the Greater Toronto Transportation Authority and to repeal the GO Transit Act, 2001 / Projet de loi 104, Loi visant à créer la Régie des transports du grand Toronto et à abroger la Loi de 2001 sur le Réseau GO.

**The Acting Speaker (Mr. Joseph N. Tascona):** Further debate?

Seeing none, Ms. Cansfield has moved third reading of Bill 104, An Act to establish the Greater Toronto Transportation Authority and to repeal the GO Transit Act, 2001. Is it the pleasure of the House that the motion carry?

All those in favour of the bill, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** His honour awaits.

*His Honour the Lieutenant Governor entered the chamber of the Legislative Assembly and took his seat upon the throne.*

1610

ROYAL ASSENT  
SANCTION ROYALE

**Hon. James K. Bartleman (Lieutenant Governor):** Pray be seated.

**The Acting Speaker (Mr. Joseph N. Tascona):** May it please Your Honour, the Legislative Assembly of the province has, at its present meetings thereof, passed certain bills to which, in the name and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

**The Deputy Clerk (Ms. Deborah Deller):** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 104, An Act to establish the Greater Toronto Transportation Authority and to repeal the GO Transit Act, 2001 / Projet de loi 104, Loi visant à créer la Régie des transports du grand Toronto et à abroger la Loi de 2001 sur le Réseau GO.

Bill 109, An Act to revise the law governing residential tenancies / Projet de loi 109, Loi révisant le droit régissant la location à usage d'habitation.

Bill 117, An Act to amend the Income Tax Act to provide for an Ontario home electricity payment / Projet de loi 117, Loi modifiant la Loi de l'impôt sur le revenu pour prévoir un paiement au titre des factures d'électricité résidentielle de l'Ontario.

Bill 190, An Act to promote good government by amending or repealing certain Acts and by enacting one new Act / Projet de loi 190, Loi visant à promouvoir une saine gestion publique en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi.

Bill 209, An Act to amend the Highway Traffic Act with respect to the suspension of drivers' licences / Projet de loi 209, Loi modifiant le Code de la route en ce qui concerne les suspensions de permis de conduire.

Bill Pr18, An Act respecting Ronald McDonald House (Hamilton).

Bill Pr19, An Act to revive Golden Dreams Home and Decor Ltd.

Bill Pr25, An Act respecting The Sisters of St. Joseph of Hamilton.

Bill Pr26, An Act respecting Talpiot College.

Bill Pr27, An Act respecting Thunder Bay International Airports Authority Inc.

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** In Her Majesty's name, His Honour the Lieutenant Governor doth assent to these bills.

Au nom de Sa Majesté, Son Honneur le lieutenant-gouverneur sanctionne ces projets de loi.

*His Honour was then pleased to retire.*

VISITOR

**Mr. Vic Dhillon (Brampton West–Mississauga):** On a point of order, Mr. Speaker: I'd like to introduce

introduce Mr. Avtar Singh, who is the father of one of our pages, Harjot, from my riding.

**The Acting Speaker (Mr. Joseph N. Tascona):** Orders of the day.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

This House now stands adjourned until Monday, September 25, 2006, at 1:30 p.m. of the clock.

*The House adjourned at 1615.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman

Speaker / Président: Hon. / L'hon. Michael A. Brown

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Arnott, Ted (PC)	Waterloo–Wellington	First Deputy Chair of the committee of the whole House / Premier Vice-Président du comité plénier de l'Assemblée législative
Arthurs, Wayne (L)	Pickering–Ajax–Uxbridge	Parliamentary assistant to the Minister of Finance / adjoint parlementaire au ministre des Finances
Balkissoon, Bas (L)	Scarborough–Rouge River	Parliamentary assistant to the Minister of Community Safety and Correctional Services (Community Safety) / adjoint parlementaire au ministre de la Sécurité communautaire et des Services correctionnels (Sécurité communautaire)
Barrett, Toby (PC)	Haldimand–Norfolk–Brant	
Bartolucci, Hon. / L'hon. Rick (L)	Sudbury	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Bentley, Hon. / L'hon. Christopher (L)	London West / London-Ouest	Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Berardinetti, Lorenzo (L)	Scarborough Southwest / Scarborough-Sud-Ouest	Deputy government whip / whip adjoint du gouvernement
Bisson, Gilles (ND)	Timmins–James Bay / Timmins-Baie James	Chief New Democratic Party whip / whip en chef du Nouveau Parti démocratique
Bountrogianni, Hon. / L'hon. Marie (L)	Hamilton Mountain	Minister of Intergovernmental Affairs, minister responsible for democratic renewal / ministre des Affaires intergouvernementales, ministre responsable du Renouveau démocratique
Bradley, Hon. / L'hon. James J. (L)	St. Catharines	Minister of Tourism, minister responsible for seniors, government House leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement
Broten, Hon. / L'hon. Laurel C. (L)	Etobicoke–Lakeshore	Minister of the Environment / ministre de l'Environnement
Brown, Hon. / L'hon. Michael A. (L)	Algoma–Manitoulin	Speaker / Président
Brownell, Jim (L)	Stormont–Dundas–Charlottenburgh	Parliamentary assistant to the Minister of Tourism / adjoint parlementaire au ministre du Tourisme
Bryant, Hon. / L'hon. Michael (L)	St. Paul's	Attorney General / procureur général
Cansfield, Hon. / L'hon. Donna H. (L)	Etobicoke Centre / Etobicoke-Centre	Minister of Transportation / ministre des Transports
Caplan, Hon. / L'hon. David (L)	Don Valley East / Don Valley-Est	Minister of Public Infrastructure Renewal, deputy government House leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint du gouvernement
Chambers, Hon. / L'hon. Mary Anne V. (L)	Scarborough East / Scarborough-Est	Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse
Chudleigh, Ted (PC)	Halton	Deputy opposition whip / whip adjoint de l'opposition
Colle, Hon. / L'hon. Mike (L)	Eglinton–Lawrence	Minister of Citizenship and Immigration / ministre des Affaires civiles et de l'Immigration
Cordiano, Hon. / L'hon. Joseph (L)	York South–Weston / York-Sud–Weston	Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Craiton, Kim (L)	Niagara Falls	Parliamentary assistant to the Minister of Community Safety and Correctional Services (Correctional Services) / adjoint parlementaire au ministre de la Sécurité communautaire et des Services correctionnels (Services correctionnels)
Crozier, Bruce (L)	Essex	Deputy Speaker, Chair of the committee of the whole House / Vice-Président, Président du comité plénier de l'Assemblée législative
Delaney, Bob (L)	Mississauga West / Mississauga-Ouest	Parliamentary assistant to the minister responsible for seniors / adjoint parlementaire au ministre délégué aux Affaires des personnes âgées

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Dhillon, Vic (L)	Brampton West–Mississauga / Brampton-Ouest–Mississauga	
<b>Di Cocco, Hon. / L'hon. Caroline (L)</b>	Sarnia–Lambton	Minister of Culture / ministre de la Culture
<b>Dombrowsky, Hon. / L'hon. Leona (L)</b>	Hastings–Frontenac–Lennox and Addington	Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Duguid, Brad (L) *	Scarborough Centre / Scarborough-Centre	Parliamentary assistant to the Minister of Municipal Affairs and Housing (Municipal Affairs) / adjoint parlementaire au ministre des Affaires municipales et du Logement (Affaires municipales)
<b>Duncan, Hon. / L'hon. Dwight (L)</b>	Windsor–St. Clair	Minister of Energy / ministre de l'Énergie
Dunlop, Garfield (PC)	Simcoe North / Simcoe-Nord	
Elliott, Christine (PC)	Whitby–Ajax	
Flynn, Kevin Daniel (L)	Oakville	Parliamentary assistant to the minister responsible for democratic renewal / adjoint parlementaire à la ministre responsable du Renouveau démocratique
Fonseca, Peter (L)	Mississauga East / Mississauga-Est	Parliamentary assistant to the Minister of Health Promotion / adjoint parlementaire au ministre de la Promotion de la santé
<b>Gerretsen, Hon. / L'hon. John (L)</b>	Kingston and the Islands / Kingston et les îles	Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Gravelle, Michael (L)	Thunder Bay–Superior North / Thunder Bay–Superior-Nord	
Hampton, Howard (ND)	Kenora–Rainy River	Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Hardeman, Ernie (PC)	Oxford	
Horwath, Andrea (ND)	Hamilton East / Hamilton-Est	
Hoy, Pat (L)	Chatham–Kent Essex	
Hudak, Tim (PC)	Erie–Lincoln	
Jackson, Cameron (PC)	Burlington	
Jeffrey, Linda (L)	Brampton Centre / Brampton-Centre	Parliamentary assistant to the Minister of Children and Youth Services / adjointe parlementaire à la ministre des Services à l'enfance et à la jeunesse
Klees, Frank (PC)	Oak Ridges	
Kormos, Peter (ND)	Niagara Centre / Niagara-Centre	New Democratic Party House leader / leader parlementaire du Nouveau Parti démocratique
Kular, Kuldip (L)	Bramalea–Gore–Malton–Springdale	Parliamentary assistant to the Minister of Health and Long-Term Care / adjoint parlementaire au ministre de la Santé et des Soins de longue durée
<b>Kwinter, Hon. / L'hon. Monte (L)</b>	York Centre / York-Centre	Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Lalonde, Jean-Marc (L)	Glengarry–Prescott–Russell	Parliamentary assistant to the Minister of Economic Development and Trade / adjoint parlementaire au ministre du Développement économique et du Commerce
Leal, Jeff (L)	Peterborough	Parliamentary assistant to the Minister of Energy / adjoint parlementaire au ministre de l'Énergie
Levac, Dave (L)	Brant	Chief government whip / whip en chef du gouvernement
MacLeod, Lisa (PC)	Nepean–Carleton	
Marchese, Rosario (ND)	Trinity–Spadina	
Marsales, Judy (L)	Hamilton West / Hamilton-Ouest	Parliamentary assistant to the Minister of Small Business and Entrepreneurship / adjointe parlementaire au ministre des Petites Entreprises et de l'Entrepreneuriat
Martel, Shelley (ND)	Nickel Belt	
Martiniuk, Gerry (PC)	Cambridge	
Matthews, Deborah (L)	London North Centre / London-Centre-Nord	Parliamentary assistant to the Minister of Community and Social Services and minister responsible for women's issues / adjointe parlementaire à la ministre des Services sociaux et communautaires et ministre déléguée à la Condition féminine
Mauro, Bill (L)	Thunder Bay–Atikokan	Parliamentary assistant to the Minister of Northern Development and Mines / adjoint parlementaire au ministre du Développement du Nord et des Mines



Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
<b>McGuinty, Hon. / L'hon. Dalton (L)</b>	Ottawa South / Ottawa-Sud	Premier and President of the Executive Council, Minister of Research and Innovation / premier ministre et président du Conseil exécutif, ministre de la Recherche et de l'Innovation
McMeekin, Ted (L)	Ancaster–Dundas– Flamborough–Aldershot	Parliamentary assistant to the Minister of Education / adjoint parlementaire à la ministre de l'Éducation
McNeely, Phil (L)	Ottawa–Orléans	Parliamentary assistant to the Minister of Transportation / adjoint parlementaire à la ministre des Transports
<b>Meilleur, Hon. / L'hon. Madeleine (L)</b>	Ottawa–Vanier	Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones
Miller, Norm (PC)	Parry Sound–Muskoka	Chief opposition whip / whip en chef de l'opposition
Milloy, John (L)	Kitchener Centre / Kitchener-Centre	Parliamentary assistant to the Minister of Intergovernmental Affairs / adjoint parlementaire à la ministre des Affaires intergouvernementales
Mitchell, Carol (L)	Huron–Bruce	Parliamentary assistant to the Minister of Public Infrastructure Renewal / adjointe parlementaire au ministre du Renouvellement de l'infrastructure publique
Mossop, Jennifer F. (L)	Stoney Creek	Parliamentary assistant to the Minister of Culture and minister responsible for francophone affairs / adjointe parlementaire à la ministre de la Culture et ministre déléguée aux Affaires francophones
Munro, Julia (PC)	York North / York-Nord	Deputy opposition whip / whip adjoint de l'opposition Parliamentary assistant to the Minister of Natural Resources and minister responsible for aboriginal affairs / adjoint parlementaire au ministre des Richesses naturelles et ministre délégué aux Affaires autochtones
Murdoch, Bill (PC)	Bruce–Grey–Owen Sound	
O'Toole, John (PC)	Durham	
Oraziotti, David (L)	Sault Ste. Marie	
Ouellette, Jerry J. (PC)	Oshawa	Parliamentary assistant to the Minister of Community and Social Services (Disabilities) / adjoint parlementaire à la ministre des Services sociaux et communautaires (Personnes handicapées)
Parsons, Ernie (L)	Prince Edward–Hastings	
Patten, Richard (L)	Ottawa Centre / Ottawa-Centre	Parliamentary assistant to the Minister of Training, Colleges and Universities / adjoint parlementaire au ministre de la Formation et des Collèges et Universités
<b>Peters, Hon. / L'hon. Steve (L)</b>	Elgin–Middlesex–London	Minister of Labour / ministre du Travail
Peterson, Tim (L)	Mississauga South / Mississauga-Sud	Parliamentary assistant to the Minister of Health and Long-Term Care / adjoint parlementaire au ministre de la Santé et des Soins de longue durée
<b>Phillips, Hon. / L'hon. Gerry (L)</b>	Scarborough–Agincourt	Minister of Government Services / ministre des Services gouvernementaux
Prue, Michael (ND)	Beaches–East York / Beaches–York-Est	Minister of Education, minister responsible for women's issues / ministre de l'Éducation, ministre déléguée à la Condition féminine Parliamentary assistant to the Minister of Health Promotion / adjoint parlementaire au ministre de la Promotion de la santé Parliamentary assistant to the Minister of Labour / adjoint parlementaire au ministre du Travail Parliamentary assistant to the Minister of Citizenship and Immigration / adjoint parlementaire au ministre des Affaires civiques et de l'Immigration
<b>Pupatello, Hon. / L'hon. Sandra (L)</b>	Windsor West / Windsor-Ouest	
Qaadri, Shafiq (L)	Etobicoke North / Etobicoke-Nord	
Racco, Mario G. (L)	Thornhill	
Ramal, Khalil (L)	London–Fanshawe	Minister of Natural Resources, minister responsible for aboriginal affairs / ministre des Richesses naturelles, ministre délégué aux Affaires autochtones
<b>Ramsay, Hon. / L'hon. David (L)</b>	Timiskaming–Cochrane	Parliamentary assistant to the Minister of Agriculture, Food and Rural Affairs (Rural Affairs) / adjoint parlementaire à la ministre de l'Agriculture, de l'Alimentation et des Affaires rurales (Affaires rurales)
Rinaldi, Lou (L)	Northumberland	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Runciman, Robert W. (PC)	Leeds–Grenville	Opposition House leader / leader parlementaire de l'opposition
Ruprecht, Tony (L)	Davenport	
Sandals, Liz (L)	Guelph–Wellington	Parliamentary assistant to the Minister of Government Services / adjointe parlementaire au ministre des Services gouvernementaux
Scott, Laurie (PC)	Haliburton–Victoria–Brock	
Sergio, Mario (L) *	York West / York-Ouest	Parliamentary assistant to the Minister of Municipal Affairs and Housing (Housing) / adjoint parlementaire au ministre des Affaires municipales et du Logement (Logement)
Smith, Monique M. (L)	Nipissing	Parliamentary assistant to the Minister of Health and Long-Term Care / adjointe parlementaire au ministre de la Santé et des Soins de longue durée
Smitherman, Hon. / L'hon. George (L)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Sorbara, Hon. / L'hon. Greg (L)	Vaughan–King–Aurora	Minister of Finance, Chair of the Management Board of Cabinet / ministre des Finances, président du Conseil de gestion du gouvernement
Sterling, Norman W. (PC)	Lanark–Carleton	
Tabuns, Peter (ND)	Toronto–Danforth	
Takhar, Hon. / L'hon. Harinder S. (L)	Mississauga Centre / Mississauga-Centre	Minister of Small Business and Entrepreneurship / ministre des Petites Entreprises et de l'Entrepreneuriat
Tascona, Joseph N. (PC)	Barrie–Simcoe–Bradford	Second Deputy Chair of the committee of the whole House / Deuxième Vice-Président du comité plénier de l'Assemblée législative
Tory, John (PC)	Dufferin–Peel–Wellington–Grey	Leader of the Opposition / chef de l'opposition
Van Bommel, Maria (L)	Lambton–Kent–Middlesex	Parliamentary assistant to the Minister of Agriculture, Food and Rural Affairs (Agriculture and Food) / adjointe parlementaire à la ministre de l'Agriculture, de l'Alimentation et des Affaires rurales (Agriculture et Alimentation)
Watson, Hon. / L'hon. Jim (L)	Ottawa West–Nepean / Ottawa-Ouest–Nepean	Minister of Health Promotion / ministre de la Promotion de la santé
Wilkinson, John (L)	Perth–Middlesex	Parliamentary assistant to the Minister of the Environment / adjoint parlementaire à la ministre de l'Environnement
Wilson, Jim (PC)	Simcoe–Grey	Deputy opposition House leader / leader parlementaire adjoint de l'opposition
Witmer, Elizabeth (PC)	Kitchener–Waterloo	
Wong, Tony C. (L)	Markham	Parliamentary assistant to the Minister of Research and Innovation / adjoint parlementaire au ministre de la Recherche et de l'Innovation
Wynne, Kathleen O. (L)	Don Valley West / Don Valley-Ouest	Parliamentary assistant to the Minister of Education / adjointe parlementaire à la ministre de l'Éducation
Yakabuski, John (PC)	Renfrew–Nipissing–Pembroke	
Zimmer, David (L)	Willowdale	Parliamentary assistant to the Attorney General / adjoint parlementaire au procureur général
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Clerk / Greffier: Katch Koch

### **Regulations and private bills / Règlements et projets de loi d'intérêt privé**

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Vice-Chair / Vice-Président: Tony C. Wong  
Gilles Bisson, Kim Craiton, Andrea Horwath,  
Dave Levac, Gerry Martiniuk, Bill Murdoch,  
Khalil Ramal, Mario Sergio, Tony C. Wong  
Clerk / Greffière: Susan Sourial

### **Social Policy / Politique sociale**

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Vice-Chair / Vice-Président: Khalil Ramal  
Ted Chudleigh, Peter Fonseca,  
Kuldip Kular, Jeff Leal,  
Rosario Marchese, John O'Toole,  
Shafiq Qaadri, Khalil Ramal, Kathleen O.Wynne  
Clerk / Greffier: Trevor Day

### **Electoral reform / Réforme électorale**

Chair / Présidente: Caroline Di Cocco  
Vice-Chair / Vice-Président: Norm Miller  
Wayne Arthurs, Caroline Di Cocco,  
Kuldip Kular, Norm Miller, Richard Patten,  
Michael Prue, Monique M. Smith,  
Norman W. Sterling, Kathleen O.Wynne  
Clerk / Greffière: Anne Stokes

These lists appear in the first and last issues of each session and on the first Monday of each month. A list arranged by riding appears when space permits.

Ces listes figurent dans les premier et dernier numéros de chaque session et du premier lundi de chaque mois. Par contre, une liste des circonscriptions paraît si l'espace est disponible.

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(Hansard)**

**Journal  
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(Hansard)**

**Monday 25 September 2006**

**Lundi 25 septembre 2006**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 25 September 2006

*The House met at 1330.*

*Prayers.*

### INTRODUCTION OF MEMBER FOR PARKDALE-HIGH PARK

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that the Clerk has received from the Chief Election Officer and laid upon the table a certificate of the by-election in the electoral district of Parkdale-High Park.

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):**

"Mr. Claude DesRosiers

"Clerk of the Legislative Assembly

"Room 104

"Legislative Building

"Queen's Park

"Toronto, Ontario

"M7A 1A2

"Dear Mr. DesRosiers:

"A writ of election dated the 16th day of August, 2006, was issued by the Honourable Lieutenant Governor of the province of Ontario, and was addressed to Ted Scaldwell, returning officer for the electoral district of Parkdale-High Park, for the election of a member to represent the said electoral district of Parkdale-High Park in the Legislative Assembly of this province in the room of Gerard Kennedy who, since his election as representative of the said electoral district of Parkdale-High Park, has resigned his seat. This is to certify that, a poll having been granted and held in Parkdale-High Park on the 14th day of September, 2006, Cheri DiNovo has been returned as duly elected as appears by the return of the said writ of election, dated the 22nd of September, 2006, which is now lodged of record in my office.

"John L. Hollins

"Chief Election Officer

"Toronto, September 22, 2006."

*Ms. DiNovo was escorted into the chamber by Mr. Hampton and Mr. Kormos.*

**Mr. Howard Hampton (Kenora-Rainy River):** I have the honour to present to you and the House Cheri DiNovo, member-elect for the electoral district of Parkdale-High Park, who has taken the oath and signed the roll and now claims the right to take her seat.

**The Speaker:** Let the honourable member take her seat.

*Applause.*

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 25 septembre 2006

### MEMBERS' STATEMENTS

#### ONTARIO TARTAN

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** Let me first congratulate and welcome the new member for Parkdale-High Park, Cheri DiNovo, to Queen's Park.

Mr. Speaker, I'd like to now welcome all of us back to the Legislature with a good-news story. After waiting years for this moment, it is with honour that I bring to you today, for the first time, the official tartan of the province of Ontario. This is a district tartan identifying the wearer as being from the province of Ontario, comprised of four colours: blue, green, white and red. The tartan represents what we love about our great province and is also a reflection of our history.

1340

The kilt, made by Mrs. Marlene Reid of Scottish Imports in Hamilton, reflects the diversity of our province. In the tartan, the shades of green represent the forests and agriculture of Ontario, the red represents the First Nations, the shades of blue represent our water, and the white represents the sky over Ontario. This tartan was designed by Mr. James MacNeil, Marlene Reid's father.

Mr. Speaker, this really wasn't just another opportunity to wear the kilt. Mrs. Reid did a wonderful job, and so it is my pleasure to recognize her work by being the first to wear it on our first day back to the Legislature.

Finally, I'd like to recognize my former colleague Lillian Ross, who was the first to introduce this bill back in 1997. I'd also like to thank the government of Ontario on helping to establish the official tartan for Ontario and adding one more symbol to our rich heritage.

#### RIDING OF NORTHUMBERLAND

**Mr. Lou Rinaldi (Northumberland):** Let me first welcome our new member to the Legislature. Welcome.

Today I rise in the House to say thank you: thank you to my fellow MPPs and colleagues who visited my riding of Northumberland last week for a caucus retreat; thank you to the government cabinet ministers who took the time to meet with stakeholders in my riding; thank you to the local artist Beth Hoselton for donating two beautiful pieces of artwork that raised over \$1,200 for the Northumberland United Way; and thank you to the best Premier this province has seen in many, many years.

Premier McGuinty, thank you for the family health teams that are up and running in Brighton and Camp-



bellford in my riding of Northumberland. Thank you for committing to a community health centre in Port Hope and Trenton. Thank you for the new CT scanner at the Trenton Memorial Hospital. Thank you, Premier, for 174 new teachers in my riding of Northumberland. Thank you for the \$7.6 million to improve and build local roads and bridges through Move Ontario. Thank you for over \$8 million in Ontario municipal partnership funding; that's \$3 million over the old CRF funding. Thank you for providing the funding for 212 new daycare spaces when the new federal Conservative government discontinued the funding. And thank you, Premier, for being the leader of this open and transparent government that I'm so proud to be part of.

### ROSH HASHANAH AND RAMADAN

**Mrs. Julia Munro (York North):** I'm pleased to rise today to honour Canadians of the Muslim and Jewish faiths as we recognize Rosh Hashanah and the first day of Ramadan.

To Jews throughout the world, Rosh Hashanah represents the day of judgment, where they examine past deeds and ask for forgiveness for their sins. It is the day on which the shofar, or ram's horn, is blown in the temple to herald the beginning of the High Holy Days. It is the day of remembrance, where Jews review the history of their people and pray for Israel. And it is, of course, New Year's Day.

For Muslims in Canada, today is the first day of the month of Ramadan. This is the ninth month of the Islamic calendar and is considered the holiest month. Prayers, fasting, self-accountability and charity have special associations with Ramadan. Muslims believe that during Ramadan, the revelation of the Quran to the prophet Muhammad began. The entire month is spent fasting from dawn to dusk.

On behalf of this House, I join with all Ontarians in giving our best wishes for Rosh Hashanah and the first day of Ramadan.

### CINN À HEARST

**M. Gilles Bisson (Timmins-Baie James):** Monsieur le Président, vous allez demander pourquoi je suis un peu moins barbu aujourd'hui. C'est une question que je suis sûr que les autres députés de l'Assemblée vont demander également.

C'est bien simple. Les communautés de Hearst, Hallébourg, Mattice, Jogues, et toutes les autres communautés aux environs ont fait partie cette fin de semaine d'un radiothon à CINN-FM, la radio communautaire de Hearst et de la région, où elles ont mis comme défi d'être capables de soulever 20 000 \$ pour la radio. L'année passée, comme beaucoup d'entre vous le savent, on a fait 15 000 \$. On a dépassé cette année 20 000 \$ dans le défi qu'on a faisant affaire avec la régie d'alcool, qui était fermée ; c'est un événement cette année.

On a eu beaucoup de succès. Une des affaires qu'on a demandées, c'était que si je pourrais présider comme président d'honneur à la radio CINN à Hearst, et à environ 4 h de l'après-midi dimanche, deux heures avant qu'on ait fini l'événement, on était un peu plus que 5 000 \$ à court de notre 20 000 \$. Ils m'ont posé un défi. Ils ont dit, « Monsieur Bisson, êtes-vous préparé à couper votre barbe ? Si on atteint 20 000 \$, allez-vous le faire ? »

J'ai dit oui, et justement, la communauté de Hearst et les environs de Mattice, Opasatika, Constance Lake, Hallebourg et toutes les autres places comme Jogues sont arrivés au défi pour dire, « Oui, on va supporter notre radio communautaire. » On a soulevé plus que 20 000 \$. Ça va pour montrer, premièrement, que la communauté appuie toujours la radio communautaire; deuxièmement, on est une équipe qui est très dynamique; et troisièmement, on sait comment se prendre en main au nord de l'Ontario.

Félicitations, CINN.

### HEALTH PARTNERS INTERNATIONAL OF CANADA

**Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale):** It's an honour to rise today at the start of a new session of government to acknowledge yet another outstanding organization in my riding of Bramalea-Gore-Malton-Springdale.

During the summer, I had the privilege to visit the Health Partners International of Canada distribution centre in my riding. This charity is a national organization that helps Canadians to send medical aid to the developing world. It works alongside many associations, such as the World Health Organization and the Canadian International Development Agency, to ensure that vital medicines are expedited quickly to aid workers for efficient delivery to the people who need them most.

It's great to see an organization which not only has such a positive influence on the community but also on other parts of the world. I'm truly proud and honoured that HPIC is a part of my riding, and I encourage it to continue in all its humanitarian efforts.

HPIC's response to the conflict in Lebanon was the shipment of 60 physician travel packs to Lebanon in August. There were enough medicines in those packs to treat 60,000 people.

I have every confidence that they will continue to thrive in bringing medical aid to millions of adults and children in the developing world from right here in my riding of Bramalea-Gore-Malton-Springdale.

### NORTHERN ONTARIO

**Mr. Norm Miller (Parry Sound-Muskoka):** John Tory keeps his promises. This past weekend, more than 100 attendees met in North Bay for the northern summit. John Tory committed to a northern summit in his leadership race and, unlike Dalton McGuinty, who says anything and promises anything to get elected, John Tory does what he says he's going to do.

We heard that Dalton McGuinty broke his promise to the resource industry and his promise to take action on the high cost of electricity, a promise he made a year ago. Four thousand jobs later, his energy minister's plan is to tell northerners, "Too bad, so bad. Wrap yourself in a blanket and drink some good red wine."

The fact is that in Dalton McGuinty's northern Ontario wait times are up, there are not enough doctors, youth are leaving, the forestry sector is dying, and northerners feel cut out of the decision-making process. The Liberal one-size-fits-all plan doesn't work in the north.

Thankfully, this weekend we heard some exciting things that the north can do. We heard about the possibilities for the future in mining and forestry, the opportunities to create economic development for aboriginal communities, and the wonderful results that can be achieved if we work to bring better infrastructure in telecommunications to northern Ontario.

Needless to say, it was a great weekend. I want especially to thank John Tory for holding, attending and contributing so much to the summit and, by so doing, honouring a promise he made to the north: keeping a promise, something northerners now know not all politicians—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### SENIOR CITIZENS

**Ms. Deborah Matthews (London North Centre):** I've always said that the seniors in my riding of London North Centre are especially dynamic and involved members of the community. I'd like to take this opportunity to tell you about a few of them.

A few weeks ago I was fortunate to have the opportunity to see some amazing Londoners perform in the RBC Seniors' Jubilee at Roy Thomson Hall here in Toronto. Some of these fine people are here with us today.

1350

One of the performers was Sebastiano Barberi, known as Sam to his adoring friends. Sam was an outstanding performer and has wowed audiences across the world. His magnificent rendition of *Nessun Dorma* and *La donna è mobile* brought many of the audience at Roy Thomson Hall, including myself, to tears.

Also at the seniors' jubilee, I had the joy of seeing Deborah O'Hara's Stardust Cloggers. This dance troupe was spectacular, and their energetic performance delighted the audience members and proved that age is just a state of mind. Along with Debbie, the troupe is made up of Sylvia Nichols, Marie Munro, Janette Irwin, Annette Laidlaw, Marg Fountain, Chyleen Munday, Brenda Primmer, Sherry Jordan and Nancy Brandie.

I'm pleased to welcome this great group of seniors to the House today. I ask you to join me in thanking them all for sharing their outstanding talent with their fellow Ontarians and inspiring all of us to keep active, no matter what our age.

#### PREMIER OF ONTARIO

**Mr. John Milloy (Kitchener Centre):** Last Thursday, my community of Kitchener-Waterloo was pleased to host fDi magazine's annual Personality of the Year Award. fDi is a leading-edge, international business magazine, part of the Financial Times Group, which is based in London, England. Each year, it recognizes the political and business leaders from around the world who have been most proactive, dynamic and innovative in improving the business environment of their jurisdiction. Ontarians will be proud to know that this year's overall global winner was our Premier, the Honourable Dalton McGuinty. The Premier was recognized for his vision and leadership in terms of research and innovation, our auto investment strategy and his efforts to guarantee a safe, clean and reliable supply of energy for our future.

The ceremony was also an important recognition of Waterloo region. Thursday's event marked the first time that fDi held their awards ceremony on this side of the Atlantic. Previous ceremonies have been held in world-class cities like London, Amsterdam and Seoul, and now Kitchener-Waterloo has joined their ranks. My community's selection as host city is a testament to its economic success particularly in the area of research and innovation, success that has been supported by the hard work of our Premier.

I'd like to congratulate Premier McGuinty on receiving this well-deserved international recognition. I would also like to thank the sponsors of the event, the Centre for International Governance Innovation, Canada's technology triangle—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Thank you. I know that everyone is quite happy to be back and happy to be visiting with all other members, but the level of ambient noise in here is a little bit much for the Speaker to deal with. So if we could take the private conversations outside, that would be appreciated.

#### CANADIAN FORCES

**Mr. Phil McNeely (Ottawa-Orléans):** Last Friday, I was part of an event hosted by News Talk Radio 580 CFRA in Ottawa. I had the pleasure of joining a huge crowd on Parliament Hill in front of the Peace Tower in support of our troops. It is so important to let our troops know that they have our support, that we appreciate the sacrifices they are making. Every Friday, we are encouraged to wear red to show our support for the Canadian Forces.

This past Friday on Parliament Hill, a gathering of over 20,000 people donned their red hats, shirts, bandanas and jackets and participated in a giant public rally. We were joined by police officers, firefighters, city staff, politicians of all stripes, OC Transpo staff, paramedics, United Way workers, private business people and more in a colourful parade of veterans to show our respect and thanks in a very public way.



I attended the event with Minister Jim Watson and members of my staff, colleagues and friends. In the comfort of our safe, comfortable environment, it is so easy to forget the Canadian men and women who live constantly in a state of uncertainty and danger. I know that Friday's rally was an important support for our troops and served as a reminder to all of us that we must always be grateful for what we have here in Ontario and Canada.

#### RESIGNATION OF MEMBER FOR YORK-SOUTH WESTON

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that during the recess a vacancy has occurred in the membership of the House by reason of the resignation of Joe Cordiano as the member for the electoral district of York-South Weston, effective the 22nd day of September, 2006.

#### RESIGNATION OF MEMBER FOR MARKHAM

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that during the recess, a vacancy has occurred in the membership of the House by reason of the resignation of Tony Wong as member for the electoral district of Markham, effective the 22nd day of September, 2006.

#### TABLING OF REPORTS

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that during the adjournment, the following reports of parliamentary officers were tabled:

On June 27, 2006, the 2005 annual report of the Information and Privacy Commissioner; and on August 9, 2006, the special report of the Ombudsman respecting the Family Responsibility Office.

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that during the adjournment, the Clerk received the report of intended appointments, dated September 5, 2006, of the standing committee on government agencies. Pursuant to standing order 106(e)9, the report is deemed adopted by the House.

#### REQUEST TO THE INTEGRITY COMMISSIONER

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that I have laid upon the table a request by the member for York West, Mr. Sergio, to the Honourable Coulter A. Osborne, Integrity Commissioner, for an opinion pursuant to subsection 30(1) of the Members' Integrity Act, 1991.

#### RELEASE OF PUBLIC ACCOUNTS

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that, pursuant to section 28 of the Auditor General Act, I have laid upon the table the audited financial statements of the Office of the Auditor General for the year ended March 31, 2006.

**Mr. Robert W. Runciman (Leeds-Grenville):** On a point of order, Mr. Speaker. It is with great concern that I herewith submit what the official opposition perceives to be a matter of contempt of the Legislative Assembly of Ontario for your consideration and that of the members of this Assembly.

As you are aware, the official opposition, under the leadership of John Tory, has placed great emphasis on the need to restore decorum and integrity to the activities and proceedings of the Legislative Assembly of Ontario. We've made it a priority on the part of our caucus to restore order, civility and respect to the proceedings of the House and had hoped that the Premier and the government caucus would contribute to our initiative by keeping their campaign commitment to "treat the Legislature, its members and the people they represent with respect at all times."

Our focus on restoring integrity and decorum in this assembly is rooted in respect for the fundamental doctrine of our parliamentary democracy: responsible government. This doctrine has been discussed often in our chamber and in other legislative chambers across the Commonwealth. Indeed, as Speaker Fraser in Canada's House of Commons observed on October 10, 1989, "We are not an executive democracy. We are not an administrative democracy. We are a parliamentary democracy that pivots on the doctrine of responsible government."

As the renowned parliamentary authority Eugene Forsey states at page 18 of his October 1985 submission, *The Question of Confidence and Responsible Government*, to a special parliamentary committee of the Canadian House of Commons:

"Responsible government is the term we use to describe the harmony between the executive and the Legislature that we have already achieved. It is the essential and distinctive feature of the British parliamentary democracy.... The essence is simple: The executive is accountable to and owes its continued existence to the Legislature. The executive is accountable and answerable, not only for its budget, its money measures and its legislative proposals, but also for the whole range of its activities. The servants of the sovereign can continue in office only so long as they retain the confidence of the Legislature; which means only so long as they can secure the grant of supply—the making of appropriations from the consolidated revenue fund necessary to carry on the programs they desire....

"The House of Commons owes its origins, its growth in power, its pre-eminence and its ultimate authority over the government to money." Again, this is Eugene Forsey.

1400

"The prime function of the House of Commons, the very source of its power in the centuries up to the first



reform bill, had been the granting of supply, the control of power of the purse, involving originally only grants and aids but later also control over the objects on which monies were to be spent and ensuring the monies voted were not spent otherwise."

In short, Mr. Speaker, our primary role as legislators and as members of this Assembly is in holding members of the executive to account, and, while this role is universal, it is most relevant in matters of money.

Indeed, as Marleau and Montpetit observe, the history of our very processes and procedure is rooted in those matters:

"The development of parliamentary procedure is closely bound up with the evolution of the financial relationship between Parliament and the crown. As the executive power, the crown is responsible for managing all the revenue of the state, including all payments for public service. The crown, on the advice of its ministers, makes the financial requirements of the government known to the House of Commons which, in return, authorizes the necessary 'aids' (taxes) and 'supplies' (grants and money). No tax may be imposed, or money spent, without the consent of Parliament.

"The direct control of national finance has been referred to as the 'great task of modern parliamentary government.' That control is exercised at two levels. First, Parliament must assent to all legislative measures which implement public policy and the House of Commons authorizes both the amounts and objects or destination of all public expenditures. Second, through its review of the annual departmental performance reports, the public accounts and the reports of the Auditor General, the House ascertains that no expenditure was made other than those it had authorized."

It is on the question of the fundamental importance of the role of this assembly in the second level of this "great task," specifically the review of the public accounts of Ontario, that I wish to address in this submission.

As Marleau and Montpetit state further at pages 762 and 763:

"The financial role of the House of Commons does not end with voting supply or authorizing measures to raise revenue. The House also acts as a 'watchdog' to ensure that federal money is spent in the amounts and for the purposes authorized by the Parliament. This monitoring function (often described as 'closing the loop') is delegated largely to the standing committee on public accounts, which examines and reports the public accounts of Canada, as well as on all reports of the Auditor General....

"The fundamental purpose of the public accounts ... is to provide information to Parliament, and thus to the public, which will enable them to understand and evaluate the financial position and transactions of the government. Two constitutional principles underlie the public accounting system: that duties and revenues accruing to the government ... form one consolidated revenue fund, and that the balance of that fund after certain prior charges is appropriated by the Parliament ... for the public service."

The "watchdog" role of our assembly is an integral part of our responsibilities and roles as legislators in representing the people of Ontario, and it is imperative that we—and especially representatives of this House who sit as members of the standing committee on public accounts—have the opportunity to both examine and understand the public accounts of the province.

Marleau and Montpetit speak to the function of this standing committee at page 768:

"Under the standing orders, all reports of the Auditor General, as well as the public accounts..., are deemed permanently referred to the standing committee on public accounts as soon as they are tabled in the House....

"The committee's main functions are to ensure that public money is spent for the purposes authorized by Parliament, that extravagance and waste are minimized and that sound financial practices are encouraged in estimating and contracting, and in administration generally. The committee does not concern itself with the appropriateness of government policy; rather it focuses on the economy and efficiency of its administration."

Erskine May reinforces this interpretation of the particular and detailed oversight required of this standing committee:

"The committee is principally concerned with whether policy is carried out efficiently, effectively and economically whether than with the merits of government policy. Its main functions are to see that public monies are applied for the purposes prescribed by Parliament, that extravagance and waste are minimized and that sound financial practices are encouraged in estimating and contracting, and in administration generally."

As in the federal House of Commons, referenced by Marleau and Montpetit, the critical mandate of the standing committee on public accounts is set out in standing orders of the Legislative Assembly of Ontario. Standing order 106(13)(g) establishes:

"Standing committee on public accounts which is empowered to review and report to the House its observations, opinions and recommendations on the Report of the Provincial Auditor and the public accounts, which documents shall be deemed to have been permanently referred to the committee as they become available."

Further, and more particularly, the Ministry of Treasury and Economics Act, RSO 1990, entrenches the statutory terms for the tabling of the public accounts, thereby emphasizing the importance of the public accounts in the financial processes of the province of Ontario and the oversight role of the elected assembly and its standing committee on public accounts:

"The public accounts for each fiscal year commencing on or after April 1, 2003 shall be prepared under the direction of the Treasurer and shall include,

"(a) the annual report of the government of Ontario for the fiscal year;

"(b) the summary financial statements of the government of Ontario for the fiscal year;

"(c) the report of the Auditor General concerning his or her examination of the summary financial statements; and



“(d) subject to subsection (2.2), any other information that is required, under another act of the Legislature, to be included in the public accounts....

“Except in extraordinary circumstances, the Treasurer shall submit the public accounts for each fiscal year commencing on or after April 1, 2003 to the Lieutenant Governor in Council on or before the 180th day after the end of the fiscal year and the Lieutenant Governor in Council shall,

“(a) lay the public accounts before the assembly, if the assembly is in session when the public accounts are ready to be laid before the assembly; or

“(b) make the public accounts public, if the assembly is not in session when the public accounts are ready to be laid before the assembly, and lay the public accounts before the assembly on or before the tenth day of the next session.”

Standing order 39(a) provides:

“Reports, returns and other documents required to be laid before the House by any act of the assembly or under any standing order or resolution of the House, or that any minister wishes to present to the House, may be deposited with the Clerk of the House, whether or not on a sessional day, and such report, return or other document shall be deemed for all purposes to have been presented to or laid before the House. A record of any such document shall be entered in the Votes and Proceedings on the day it is filed except that where it is filed on a day that is not a sessional day, it shall be entered in the Votes and Proceedings of the next sessional day.”

Mr. Speaker, consideration historically has been given by the government of the day to ensure that the public accounts of this province are tabled while the House is in session. This allows for the appropriate scrutiny of the accounts by the members, provides them with the opportunity to hold the members of the executive accountable, and ensures that the members of the standing committee on public accounts are able to consider the accounts of the province in detail and in a timely manner. Indeed, there have been but three instances when the public accounts have not been tabled when the House was sitting: October 3, 1985; October 20, 1994; and August 24, 2006, when the House was adjourned for summer recess.

While we regret that the Minister of Finance chose to release the public accounts while the House was recessed, our concern is with the manner in which the minister made the public accounts of Ontario public. For the purposes of the matter at hand, I would like to review the chronology of events around the publicizing of the public accounts of Ontario, as we in the official opposition are aware of them:

At 9:51 a.m., The Ontario Ministry of Finance issues a media advisory on Canada NewsWire indicating that a “briefing for the media” on the release of the public accounts of Ontario would open at 1 p.m. for a briefing by Ministry of Finance officials to begin at 1:30 p.m. and for “media availability” with the minister at 2:15 p.m. The media notice stipulates that media must be ready to show identification. No similar notice or invitation is

extended to elected officials of any party or their staff. No similar invitation is extended to appointed members of the legislative standing committee on public accounts or committee staff.

At 2:31 p.m., The Ontario Ministry of Finance issues a press release and background document, “Province Achieves Modest Surplus in 2005-06.”

**1410**

With all due respect, when the media advisory was issued, the majority of elected members of this House were conducting themselves in their ridings, attending to the concerns of their constituents. No specific notice or invitations were sent to the elected members of this House. We would argue that three hours’ notice of a special meeting, a special briefing, had it even been offered to members of this assembly, is hardly adequate for members to rearrange their constituency operations and travel to Queen’s Park.

We would also argue that we do not consider this briefing to be some kind of value-added presentation either. Access to the briefing meant access to the public accounts; denied access to the briefing meant denied access to the public accounts. The members of this assembly were not afforded the privilege of even a briefing concurrent to that offered to the media that afternoon. Indeed, the only interpretation of the public accounts provided to assembly members came through the Ministry of Finance press release and backgrounder issued at 2:31 p.m. on August 24, 2006, one and a half hours after the media had been briefed on the contents of the public accounts for 2005-06, and through the filter of media reports that had already interpreted the information provided to them at that special meeting.

I should note for the record that this is the first occasion in the history of this assembly that we’re aware of where special briefings have been deemed necessary by the Minister of Finance on the release of the public accounts. I’ll grant you that, in the past, the House has usually been sitting and members have had the benefit of the opportunity to question the Premier, the minister and other members of the executive directly in question period. In the past, we would have had the benefit of the standing committee on public accounts at the ready to consider the documents tabled and to question ministry officials, as is its mandate and indeed responsibility under the standing orders and the principles of responsible government which I’ve already cited.

In this instance, no authorization was provided to the standing committee when this House passed, on June 22, 2006, a motion to allow standing committees to sit during the recess, so there could be no formal sitting of that committee. Had the Minister of Finance and the government anticipated tabling the accounts during the recess, the House could have provided for the standing committee on public accounts to sit during the recess as necessary when we passed that June 22 motion. Alternatively, the minister had until the 108th day after the fiscal year-end—that’s tomorrow, September 26—to table the public accounts. The minister could easily have



tabled the accounts today and provided an appropriate briefing to both media and elected members.

It's evident from this special briefing offered only to the media, however, that the minister believed that the release of the public accounts was an urgent matter and that those accounts could not be properly understood without the benefit of expert commentary and explanation from senior officials in the Ministry of Finance. Given that any formal briefing external to that provided to the standing committee on the public accounts of Ontario is unprecedented, the Minister of Finance should have considered the pre-eminent role of this House and its committee in the consideration of those accounts. In a situation where the minister deemed that the information contained within those accounts merited special commentary—and indeed where there was a marked difference between the expenditures proposed in the 2005-06 provincial budget and estimates and what the public accounts documented as having been spent—briefings, at the very least, ought to have been arranged for the elected members of this assembly at the same time as those provided to members of the Queen's Park press gallery. Such a process would merely have built on the practice used for briefings on the release of the Ontario budget and the report of the Auditor General of Ontario.

We believe that it is quite proper to brief the media. However, we do not believe that it is proper that commentary on the province's expenditures was provided not merely first, but exclusively, to the media rather than to the legislators to whom the minister and executive ought to be accountable. So the affront on the information related is not merely in its priority going to the media first but in its quality, failing to provide legislators at all with the guidance deemed so essential to understanding the financial affairs of the province.

This recent practice and others that have followed it—such as so-called technical briefings for media only at the Ministries of Training, Colleges and Universities, Health and Long-Term Care and, most recently, Economic Development and Trade—represent anything but respect for the role and representation of the elected members of this assembly. Indeed, we believe that the specific matter at hand represents an offence against the authority and dignity of this House that fails to recognize the rights and primacy of its members to hold the government and executive accountable.

In this instance, where the public accounts of Ontario were released while the House was adjourned for the summer recess, yet still in session, detailed, technical information was provided only to the media to allow them to judge the actions of the executive and hold it accountable. As indicated, media were afforded the opportunity to question the minister immediately and directly after having been briefed on the details of the public accounts. That same access was denied the elected members of this assembly and appointed members of the standing committee on public accounts, where public accounts are permanently deemed referred. In this instance, the elected members of this assembly, save for

members of the executive, were reliant on media as intermediaries in understanding and reporting the details of the public accounts to the very people they represent.

For the record, we must indicate that, on the date in question, a representative of the Progressive Conservative caucus staff was denied access to the briefing, and when one of our elected members was able to arrive in time for the media availability with the minister, both he and our staff representative were given access to that press conference only after members of the Queen's Park press gallery threatened to leave if members of the opposition parties or representatives, including representatives of the third party, were not permitted to stay.

Did the Minister of Finance believe that a special briefing—deemed exclusively necessary for the media—would not be of interest or of relevance to the elected members of this assembly in our role and responsibility of holding the executive accountable for the expenditures of the province?

While we do not intend to derogate the important role and responsibility of the media in publicizing and holding the government accountable, we believe that the role of the elected member of the Legislative Assembly ought to be supreme. In this instance, it was not even held to be equal.

In this instance, we would argue that the Minister of Finance usurped the role and responsibilities of the broader membership of this assembly and the membership of the standing committee on public accounts. Indeed, this instance interferes profoundly with the role of the Legislative Assembly and its officers in a system of responsible government.

Providing access to the public accounts to media first to the exclusion of the elected members of this assembly and denying elected members the same briefing afforded the media not only was unhelpful; it was a disrespectful offence to the authority and dignity of this House and represents contempt of this Legislature.

Joseph Maingot's Parliamentary Privilege in Canada, second edition, holds:

“As a working rule it can be said that when an offence is not identifiable as a breach of known and enumerated rights and immunities, then the offence is a contempt of Parliament’....

“The significant difference between a breach of privilege and contempt may be put this way:

“(1) Privileges are enumerated and known and thus may be breached whereas contempts are not enumerable.

“(2) The extent of the law of privilege is a proper subject of inquiry for a court, whereas the House of Commons is the judge as to whether in a particular case a breach of privilege or a contempt of the House has been committed.

“(3) Contempt is more aptly described as an offence against the authority or dignity of the House.

“(4) While privilege may be codified, contempt may not, because new forms of obstruction are constantly being devised and Parliament must be able to invoke its penal jurisdiction to protect itself against these new



forms; there is no closed list of classes of offences punishable as contempts of Parliament.”

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In a ruling in the Canadian House of Commons on October 10, 1989, Speaker Fraser clarified that “all breaches of privileges are contempts of the House, but not all contempts are necessarily breaches of privilege. A contempt may be an act or an omission. It does not have to actually obstruct or impede the House or a member[;] it merely has to have the tendency to produce such results. Matters ranging from minor breaches of decorum to grave attacks against the authority of Parliament may be considered as contempts.”

Erskine May defines contempt at pages 128 and 142 of the 23rd edition: “Generally speaking, any act or omission which obstructs or impedes either House or Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as a contempt even though there is no precedent for the offence. It is therefore impossible to list every act which might be considered to amount to a contempt, the power to punish for such an offence being of its nature discretionary....

“Other acts besides words spoken or writings published reflecting upon either House or its proceedings which, though they do not tend directly to obstruct or impede either House in the performance of its functions, yet have a tendency to produce this result indirectly by bringing such House into odium, contempt or ridicule or by lowering its authority may constitute contempts.”

We are arguing that the Minister of Finance, in disregarding the roles and responsibilities of the members of this House associated with the finances and expenditures of the province and the release of the public accounts of Ontario, and in providing a special briefing deemed by the minister and the executive as so necessary to the media and to the exclusion of the elected members of this assembly and the assembly’s standing committee on public accounts, was in contempt.

The integrity of and respect for the principles of accountable, responsible government are fundamental to the effective and legitimate processes and procedures of this assembly. On May 8, 2003, Speaker Carr noted that “parliamentary proceedings can be animated and often emotional, and they can be cumbersome. It may not be the most efficient of political systems, but it is a process that reflects the reality that members, like the people of Ontario, may not be of one mind on matters of public policy. A mature parliamentary democracy is not a docile, esoteric or one-way communications vehicle; it is a dynamic, interactive and representative institution that allows the government of the day to propose and defend its policies—financial and otherwise. It also allows the opposition to scrutinize and hold the government to account for those policies. It is an open, working and relevant system of scrutiny and accountability.”

Further, and ironically, on May 12, 2003, the honourable member for Ottawa South, who now sits as Premier of Ontario, stood before the assembled members of this House and largely echoed Speaker Carr’s comments as he spoke to the process used by the government of the day: “I think we can all understand that democracy is slow, it is messy, it is cumbersome, it is inefficient and it’s wonderful. The government lost sight of the value of the democratic institution itself and the Parliament, of the importance that we should always attach to conventions and rules and process.”

Yet on August 24, 2006, the day that the Minister of Finance deliberately and consciously chose to table the public accounts of Ontario with the Legislative Assembly of Ontario when the House was recessed, the minister completely disregarded the roles and responsibilities of the elected members of this House in scrutinizing and holding the government responsible and to account for those accounts. The minister disregarded that watchdog function so fundamental to the financial role of Parliament in a system of responsible government. Indeed, to repeat Marleau and Montpetit, “The fundamental purpose of the public accounts ... is to provide information to Parliament, and thus to the public, which will enable them to understand and evaluate the financial position and transactions of the government.”

Marleau and Montpetit hold, therefore, that the principal surrogates for the public are members of Parliament. Yet on August 24, 2006, the Minister of Finance believed that the public accounts for 2005-06 needed explanation and commentary to be understood fully, and this information on the public accounts of Ontario was provided first to the media, and thus to the public and Parliament. Indeed, it was only at the behest of the media that members of the opposition and third party were even allowed to be privy to the questions media asked the minister following their private briefing. Members of this assembly were not provided public access to the public accounts of Ontario until one and a half hours after media had been briefed by senior Ministry of Finance officials and had had the opportunity to question the minister. If information is being made public, it must include access and full disclosure to members of the assembly. To deny that access is contempt.

Indeed, had we at least known in advance that the public accounts were to have been tabled on August 24, 2006, our members could have made efforts to obtain copies of the accounts as soon as they had been presented to the Clerk’s office, and members could have made themselves available for the special briefing deemed so necessary by the Minister of Finance and for the opportunity to question the minister.

To that point, the 2003 budget process brought to the floor the fundamental roles, responsibilities and obligations of this assembly as they relate to the principles of responsible government and the financial processes and procedures of the province. In that instance, the government argued that it was taking the budget directly to the people. Well, the opposition argued, and Speaker



Carr agreed, that in making the budget public in a way that bypassed the House, notwithstanding that documents had been duly tabled with the assembly and, in that instance, concurrent briefings to members, media and stakeholders in the lock-up were provided, there was sufficient cause for the House to consider the matter of contempt.

We believe that Speaker Carr's findings in 2003 present a precedent for the House to consider the matter at hand concerning the release of the 2005-06 public accounts.

We believe that the remarks made in May 2003 by the honourable member for Ottawa South hold true, which I've already read into the record.

We therefore submit that the circumstances concerning the release of and briefing on the public accounts of Ontario on August 24, 2006, and the egregious disregard for the roles and responsibilities of the members of this assembly, constitute a matter of contempt that merits the consideration of this House so as to ensure that such incidents never occur again.

**Mr. Peter Kormos (Niagara Centre):** The New Democratic Party wants to join in the submissions made by the member for Leeds-Grenville. His narration of the facts is accurate and complete and doesn't require any further comment. His reference to the precedents is, as well, exhaustive and requires no further comment. So I submit but this to you, and that is to look at the motivation of the government in this type of conduct. The only inference that can be drawn is that it's an effort on the part of the government to have access to the press without any involvement on the part of opposition members, an opportunity for the government to spin the numbers with the press without participation and without witnessing by members of the opposition.

I ask you further to note that the government can't argue *de minimis*. It's clear that any breach of this type constitutes a contempt. In this instance, it was not just a demonstration of disregard and disdain by the government for opposition members, but it was a conscious effort on the part of this government to frustrate the opposition in the performance of their duties, their responsibilities. That comes from a government that purports to introduce democratic renewal. That comes from a Premier who pretends to want to do things differently, but rather, we have some of the most shameful manipulation on the part of this government and some of the most egregious disregard for the role of parliamentarians that's ever been demonstrated in this Parliament.

1430

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** On the same point of order, Mr. Speaker: I am really somewhat dismayed that, after a summer of all of us being engaged with 12 and a half million people in Ontario, my friends opposite would come to this Parliament this afternoon with this order.

I listened attentively to my friend from Leeds-Grenville. I want to tell you that I will undertake, along

with the government House leader, to provide a more fulsome and perhaps written response for your consideration, given the allegations that are made by my friend from Leeds-Grenville—but just, at this point, to put a couple of things on the record for the consideration of members who are sitting in this House at this point.

First of all, we are extremely proud of the fact that, consistent with the theme and the spirit of the Fiscal Transparency and Accountability Act, the government was able to release the financial statements from 2005-06 as early and as clearly as we did, and we're going to continue to do that. The notion, somehow, that we should sit on financial statements until some time more convenient is a principle that we do not agree with.

Secondly, just to be very clear: What my friend from Leeds-Grenville is talking about was the release of the annual financial statements for this government for the year 2005-06. Those financial statements were tabled with the Clerk of this House before they were released to anyone—to members of the media, to members of the public—and therefore were available to my friends opposite at 1 o'clock on August 24.

The third point to be made is that, consistent with the notion of transparency and accountability, we offered to the media a technical briefing and we offered to members opposite a technical briefing. What is interesting is that members of the media took up the offer for a technical briefing and members opposite did not take up the offer for a technical briefing.

Finally, I simply want to say, as a precedent to the submissions that we will be making, that the approach of this government in terms of transparency and clarity and providing access to information will be the very highest standard of any Parliament in the country or in the world, and we will continue that tradition.

**The Speaker:** I'd like to thank the member for Leeds-Grenville for raising the point of order with me, and the member for Niagara Centre and the Minister of Finance for their interventions. I will reserve my judgment on this matter.

#### BIRTH OF MEMBER'S GRANDCHILD

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** On a point of order, Mr. Speaker: I just want to tell the Legislature that Rene and I became grandparents for the 10th time last week on Tuesday. Rose was born to our daughter Amanda and her husband Aaron Shelly, and Grace now has a baby sister, so just wait for the Christmas card.

#### VISITOR

**The Speaker (Hon. Michael A. Brown):** In the members' gallery east, we have a former member of this place, Ed Fulton, the former member for Scarborough East in the 33rd and 34th Parliament. Welcome, Mr. Fulton.



## REPORTS BY COMMITTEES

COMITÉ PERMANENT  
DE LA POLITIQUE SOCIALE  
STANDING COMMITTEE ON  
SOCIAL POLICY

**M. Shafiq Qaadri (Etobicoke–Nord):** Monsieur le Président, je demande la permission de déposer un rapport du comité permanent de la politique sociale, et je propose son adoption.

Speaker, I beg leave to present a report from the standing committee on social policy and move its adoption.

**The Clerk-at-the-Table (Ms. Lisa Freedman):** Your committee begs to report the following bill as amended:

Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts / Projet de loi 43, Loi visant à protéger les sources existantes et futures d'eau potable et à apporter des modifications complémentaires et autres à d'autres lois.

**The Speaker (Hon. Michael A. Brown):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

STANDING COMMITTEE ON  
PUBLIC ACCOUNTS

**Mr. Norman W. Sterling (Lanark–Carleton):** Pursuant to the order of the House of June 22, 2006, I beg leave to present a report on ambulance services—land from the standing committee on public accounts and move the adoption of its recommendations.

**The Speaker (Hon. Michael A. Brown):** Does the member wish to make a brief statement?

**Mr. Sterling:** Yes, Mr. Speaker. As you know, the public accounts committee reviews the report of the auditor, which came out in late November 2005. In that report was a substantial finding with regard to the inefficiency of our land ambulance services, where it was recognized that two thirds of the land ambulance operators were not meeting their legislated response times, which were the 1996 response times, so two thirds of our municipalities had fallen back from 1996 response times. The total cost of the program had increased by 94% over the previous four years.

The committee studied various different themes associated with the problems with our land ambulance services, including plans to address delays in hospital emergency admission of patients arriving in ambulances and problems with regard to cross-border jurisdiction in providing ambulance services.

The committee made a whole number of recommendations, and it is perhaps one of the areas in which the committee feels that there needs to be a lot of work, to improve the administration of this particular program.

I move adjournment of the debate.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

STANDING COMMITTEE ON  
GENERAL GOVERNMENT

**Mrs. Linda Jeffrey (Brampton Centre):** I beg leave to present a report from the standing committee on general government and move its adoption.

**The Clerk-at-the-Table (Ms. Lisa Freedman):** Your committee begs to report the following bill as amended:

Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts / Projet de loi 51, Loi modifiant la Loi sur l'aménagement du territoire et la Loi sur les terres protégées et apportant des modifications connexes à d'autres lois.

**The Speaker (Hon. Michael A. Brown):** Shall the report be received and adopted? Agreed?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1437 to 1442.*

**The Speaker:** Mrs. Jeffrey has presented Bill 51. Shall the report be received and adopted?

All those in favour will rise one at a time and be recognized by the Clerk.

## Ayes

Arthur, Wayne	Gerretsen, John	Pupatello, Sandra
Balkissoon, Bas	Hoy, Pat	Qaadri, Shafiq
Bartolucci, Rick	Jeffrey, Linda	Racco, Mario G.
Bentley, Christopher	Kular, Kuldip	Ramal, Khalil
Bountrogiani, Marie	Kwinter, Monte	Ramsay, David
Bradley, James J.	Leal, Jeff	Rinaldi, Lou
Broten, Laurel C.	Levac, Dave	Ruprecht, Tony
Bryant, Michael	Marsales, Judy	Sandals, Liz
Cansfield, Donna H.	Matthews, Deborah	Sergio, Mario
Caplan, David	McNeely, Phil	Smith, Monique
Chambers, Mary Anne V.	Meilleur, Madeleine	Smitherman, George
Colle, Mike	Millroy, John	Sorbara, Gregory S.
Crozier, Bruce	Mitchell, Carol	Takhar, Harinder S.
Delaney, Bob	Mossop, Jennifer F.	Van Bommel, Maria
Di Cocco, Caroline	Oraziotti, David	Watson, Jim
Dombrowsky, Leona	Parsons, Ernie	Wilkinson, John
Duguid, Brad	Patten, Richard	Wynne, Kathleen O.
Duncan, Dwight	Peters, Steve	Zimmer, David
Flynn, Kevin Daniel	Peterson, Tim	
Fonseca, Peter	Phillips, Gerry	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

## Nays

Amott, Ted	Kormos, Peter	Runciman, Robert W.
Barrett, Toby	MacLeod, Lisa	Scott, Laurie
Bisson, Gilles	Marchese, Rosario	Sterling, Norman W.
Chudleigh, Ted	Martel, Shelley	Tabuns, Peter
DiNovo, Cheri	Martiniuk, Gerry	Tascona, Joseph N.
Dunlop, Garfield	Miller, Norm	Tory, John
Elliott, Christine	Munro, Julia	Wilson, Jim
Hardeman, Ernie	Murdoch, Bill	Witmer, Elizabeth
Horwath, Andrea	O'Toole, John	Yakubski, John
Hudak, Tim	Ouellette, Jerry J.	
Klees, Frank	Prue, Michael	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 58; the nays are 31.

**The Speaker:** I declare the motion carried.

The bill is therefore ordered for third reading.

STANDING COMMITTEE ON  
PUBLIC ACCOUNTS

**Mr. Norman W. Sterling (Lanark-Carleton):** Pursuant to the order of the House of June 22, 2006, I beg leave to present a report on ambulance services—air from the standing committee on public accounts and move the adoption of its recommendations.

**The Speaker (Hon. Michael A. Brown):** Does the member wish to make a brief statement?

**Mr. Sterling:** Yes. The committee looked at the functioning of the crown corporation or non-profit corporation which has been set up to run air ambulances across the province of Ontario. There are some questions, and some improvements can be made to this particular service.

One of the things that the committee looked long and hard at was the provision of air ambulance services to non-residents who are in Ontario who require that service. At the present time, Ontario is providing that service not at cost-recovery mode. It was felt by the committee that people from other provinces should be treated the same way as residents from our province should be treated when they are in the other provinces. The committee makes a recommendation that full cost recovery be implemented with regard to non-residents requiring this service, unless their province provided a reciprocal service for our residents when they were there.

The committee also asked for a rationale for this new corporation taking away the responsibility of the supplier for the provision of paramedics for each of the air ambulance flights. The committee has asked for the ministry to report to the committee in 2008 on the number of flight cancellations due to paramedics not being available and the resulting cost.

I move adjournment of the debate.

**The Speaker:** Mr. Sterling has moved adjournment of the debate. Is it the pleasure of the House that the motion carry? Carried.

STANDING COMMITTEE ON  
REGULATIONS AND PRIVATE BILLS

**Ms. Andrea Horwath (Hamilton East):** I beg leave to present a report from the standing committee on regulations and private bills regarding Bill 89, which was unanimously supported by committee, and move its adoption.

**The Clerk-at-the-Table (Ms. Lisa Freedman):** Ms. Horwath from the standing committee on regulations and private bills presents the committee's report as follows, and moves its adoption:

Your committee begs to report the following bill as amended:

Bill 89, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario.

**The Speaker (Hon. Michael A. Brown):** Shall the report be received and adopted? Agreed? Agreed.

The bill is therefore ordered for third reading.

STANDING COMMITTEE ON  
PUBLIC ACCOUNTS

**Mr. Norman W. Sterling (Lanark-Carleton):** Pursuant to the order of the House of June 22, 2006, I beg leave to present a report on children's mental health services from the standing committee on public accounts and move the adoption of its recommendations.

1450

**The Speaker (Hon. Michael A. Brown):** Does the member wish to make a brief statement?

**Mr. Norman W. Sterling (Lanark-Carleton):** Yes. This report by the committee homes in on the information systems of the Ministry of Children and Youth Services. This is the first time, to my knowledge, that the public accounts committee has asked the ministry to return at a future date to update the committee on their progress with regard to a particular administrative matter. We have asked that the ministry come before the committee in the spring of 2007 to report on their information systems because there is a feeling that the ministry is not well enough aware of the various amounts of money that are being paid to various parts of our province and that, therefore, priorities cannot be properly set when allocating new funds.

Also within this report are recommendations in response to the report which the committee requested on autism treatment. There are several recommendations dealing with how that particular program is delivered by the government and how in fact that program can be delivered in a more efficient, economical way, and that the children receiving this treatment can in fact make up for many of the lost hours which they are not getting because the therapist does not show on a particular date.

With those remarks, I would move adjournment of the debate.

**The Speaker:** Mr. Sterling has moved adjournment of the debate. Is it the pleasure of the House the motion carry? Carried.

STANDING COMMITTEE ON  
REGULATIONS AND PRIVATE BILLS

**Ms. Andrea Horwath (Hamilton East):** I beg leave to present a report from the standing committee on regulations and private bills regarding Bill 120, again unanimously supported by committee, and move its adoption.

**The Clerk-at-the-Table (Ms. Lisa Freedman):** Your committee begs to report the following bill as amended:

Bill 120, An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes / *Projet de loi 120, Loi exigeant que le code du bâtiment et le code de prévention des incendies prévoient des détecteurs d'incendie, des systèmes d'alerte d'incendie interconnectés et des sorties de secours incombustibles, le titre of which is amended to read "An Act to deem that the Building Code and the Fire Code require fire*



detectors, interconnected fire alarms and non-combustible fire escapes / Loi portant que le code du bâtiment et le code de prévention des incendies sont réputés exiger des détecteurs d'incendie, des systèmes d'alerte d'incendie interconnectés et des sorties de secours incombustibles.”

**The Speaker (Hon. Michael A. Brown):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

## INTRODUCTION OF BILLS

### HIGHWAY TRAFFIC AMENDMENT ACT (USE OF PORTABLE EQUIPMENT BY NOVICE DRIVERS), 2006

#### LOI DE 2006 MODIFIANT LE CODE DE LA ROUTE (UTILISATION DE MATÉRIEL PORTATIF PAR LES CONDUCTEURS DÉBUTANTS)

Mr. Flynn moved first reading of the following bill:

Bill 135, An Act to amend the Highway Traffic Act to prohibit the use of phones and other portable equipment by novice drivers while driving on a highway / Projet de loi 135, Loi modifiant le Code de la route pour interdire aux conducteurs débutants l'utilisation de téléphones et d'autre matériel portatif pendant qu'ils conduisent sur une voie publique.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

Does the member wish to make a brief statement?

**Mr. Kevin Daniel Flynn (Oakville):** Very briefly, the bill would prohibit the use of cellphones and other portable devices by novice drivers, those who are under the guidelines of Ontario's graduated licensing program.

### RESTORE THE DEED ACT, 2006

#### LOI DE 2006 SUR LE RÉTABLISSEMENT DES TITRES

Mr. Tascona moved first reading of the following bill:

Bill 136, An Act to amend the Land Titles Act / Projet de loi 136, Loi modifiant la Loi sur l'enregistrement des droits immobiliers.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** The Restore the Deed Act is a serious response to the real problem of home ownership mortgage fraud and title fraud. It will also reform the Land Titles Assurance Fund to make it a fund of first resort. I'm confident that it will restore the confidence in the real estate system, which is lacking.

### CLIMATE CHANGE AWARENESS DAY ACT, 2006 LOI DE 2006 SUR LA JOURNÉE DE SENSIBILISATION AUX CHANGEMENTS CLIMATIQUES

Mr. McNeely moved first reading of the following bill:

Bill 139, An Act to make April 21 Climate Change Awareness Day / Projet de loi 139, Loi visant à faire du 21 avril la Journée de sensibilisation aux changements climatiques.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Mr. Phil McNeely (Ottawa-Orléans):** Climate change has become a reality. Of this fact I have no doubt. There are those who still believe climate change to be a myth, but I believe that this is a reality that will face our children and grandchildren. Unless we do something to reverse this trend, this would soon become a very dangerous place to live. It is for this reason that I propose to name April 21 of each year Climate Change Awareness Day.

## MOTIONS

### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I seek unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.

**Hon. Mr. Bradley:** I move that, notwithstanding standing order 96(d), the following changes be made to the ballot list of private members' public business:

Mr. Tascona and Mr. Murdoch exchange places in order of precedence such that Mr. Tascona assumes ballot item 48 and Mr. Murdoch assumes ballot item 70; Ms. Matthews and Mr. Oraziotti exchange places in order of precedence such that Ms. Matthews assumes ballot item 51 and Mr. Oraziotti assumes ballot item 55; and that, pursuant to standing order 96(g), notice be waived for ballot items 47, 48 and 49.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

### STATEMENTS BY THE MINISTRY AND RESPONSES

### CONSUMER PROTECTION

**Hon. Gerry Phillips (Minister of Government Services):** I'm pleased today to tell the House that we

will introduce legislation this fall that, if passed, will give the government regulation-making authority over consumer gift cards.

Gift cards are a rapidly growing segment of the retail industry in the province. These cards are purchased in good faith by the people of Ontario for their family and friends. They rightly expect that these cards should retain their full value until they are redeemed, no matter when that might be.

We want to ensure that Ontario consumers purchasing gift cards get what they pay for. We have heard their concerns about expired cards and we are taking action to put an end to this practice. Proposed amendments to the Consumer Protection Act will, if passed, allow us to create regulations to remove expiry dates from retail gift cards and to put strict limits on any fees applied to these cards. In addition, we are proposing to ensure that gift cards contain clear and comprehensible language.

1500

I have already consulted with business and consumer groups about the gift card issues, and I'm considering their views in developing proposals for new regulations. We will continue to consult with the retail industry as we develop and implement regulations, recognizing the need to be reasonable and accommodate their business needs. But foremost, we must be mindful of the rights and the needs of Ontario consumers. They are the ones who have made gift cards such a successful segment of the retail industry, and they deserve to be protected. The new measures we are planning will bolster consumer protection and ensure that our thriving retail industry continues to meet the expectations of the people of this province.

## EDUCATION

## ÉDUCATION

**Hon. Kathleen O. Wynne (Minister of Education):**

I rise in the House today to reaffirm the McGuinty government's dedication to improving public education in Ontario. I want to thank the Premier for his fundamental belief in publicly funded education and his public commitment to raising the bar on student achievement and closing the gap for struggling students. It's an enormous honour to have been asked by the Premier to take on this role. I'm grateful to both my predecessors, Gerard Kennedy and Sandra Pupatello, for setting us on a solid course.

As a former school board trustee, parent advocate and parliamentary assistant in education, access to public education has been one of the abiding themes of my political career. We have made an excellent start as a government on the ambitious priorities that were in our platform and that were also the priorities of the people who elected us. The facts that more students are graduating from high school, primary class sizes are being capped and we have had no labour strife among our teachers for three years are real results and proof that our policies are working.

L'an dernier, près de la moitié de nos classes au primaire avaient déjà atteint l'objectif de 20 élèves ou moins. La tendance se poursuit, et je suis convaincue qu'elle progressera jusqu'à ce que nous atteignons notre but dans 90% des classes.

Also, student achievement is up for the third straight year. If we help just two more students from each grade 6 class in Ontario meet the standard, we can meet our goal of 75% of students meeting the provincial standard in reading, writing and math in 2008.

When this government took office, only two thirds of students were graduating from secondary school.

Par l'entremise de notre stratégie pour la réussite des élèves, nous donnons aux élèves la possibilité d'adapter leurs études et leur offrons du soutien et des ressources supplémentaires.

In 2004-05, the graduation rate had risen by three percentage points, to 71%. So we've made considerable progress, but I know we still have work to do.

We have, as a government, made significant changes to the provincial funding formula. The funding formula is really an allocation formula through which the available education money flows to school boards. We know that there's more to do on that funding formula; the Premier has said that it's a work in progress. We have to be careful, however, that we do not oversimplify the issues confronting us, and that whenever we talk about education funding, we're absolutely clear what we're talking about.

I'd like to wish everyone returning to school a wonderful and successful year. This will be a great year thanks to our excellent students, teachers, vice-principals, principals, education workers and parent volunteers—not because of us, but because of them. The only way for every student to achieve his or her potential is for all of us in government to work collaboratively with all of our educators, parents, trustees, education workers and communities. In turn, Ontario can reach its full potential.

## SEAT BELTS

**Hon. Donna H. Cansfield (Minister of Transportation):** I say welcome back, everyone. I hope you had a wonderful summer.

I rise in the House today to talk about an issue that affects everyone in Ontario. It's called road safety. Earlier today, I joined our government safety partners in launching the annual fall seat belt campaign.

In 1976 Ontario, under the Honourable James Snow, was the first jurisdiction in North America to make wearing seat belts mandatory. At the time, only 15.5% of drivers killed or injured in collisions were wearing a seat belt. Since seat belts were made mandatory, the number of people killed and injured in collisions has steadily dropped and the number of people who buckle up has dramatically increased.

I'd like to recognize Suzanne Chaddock, who is in the public gallery today, along with her father, Mr. Ken Chaddock, and her two children, Christopher and Neil.



Suzanne is here today because a seat belt saved her life in 1976, so she is living proof that seat belts save lives. Suzanne survived a terrible collision because of having her seat belt on, and now she's helping to improve road safety as an Ontario Provincial Police officer. I know that she has saved many lives throughout her career.

The most recent survey by Transport Canada found that Ontario has one of the second-highest rates of seat belt use in urban areas in Canada: nearly 93%. That's above the national average of just 91%. An earlier survey showed that Ontario's rural seat belt use was nearly at 88%, also above the national average. But we can, and we must, do more. For every 1% use of seat belts, five lives are saved, so our goal must be 100%. About one third of all drivers and passengers killed in motor vehicle collisions were not wearing seatbelts. The message of the fall seat belt campaign is clear: Using a seat belt is the single most effective way to reduce motor vehicle-related injuries and deaths.

The safety of children is a particular concern of mine. I'm pleased to report, that according to the 2004 Ontario Road Safety Annual Report, the number of children killed and injured in road collisions fell by 22%, compared to 2003. Sadly, collisions still are a leading cause of death and injury for children between one and nine years old, and the statistic comes from Safe Kids Canada. A properly used child car safety seat can cut the chances of death or serious injury by as much as 75%, so we need to buckle up our children. That's why the McGuinty government brought forward legislation to make it mandatory for all caregivers—grandparents, baby-sitters, hosts of children's birthday parties—to ensure that children are properly secured in an appropriate child seat, safety or booster seat when they're travelling. Drivers who don't, face a fine and two demerit points. So we are serious about safety. We know that kids are safer in a child car safety seat and in their booster seat. Now you know why there's a law: Our children are important to all of us.

That's why we're getting the message out with the fall seat belt campaign, running from September 23 until October 8. This year's campaign includes police enforcement blitzes; seat belt counts, where groups of volunteers actually survey and tally seat belt usage; clinics highlighting the proper use of child car safety seats and booster seats; and a public education campaign to keep buckling up top of mind for everyone.

Ontario has a lot to be proud of as we mark the 30th anniversary of mandatory seat belt use. The most recent Ontario Road Safety Annual Report also shows that for a second year in a row, Ontario has the safest roads in North America. But road safety doesn't just happen on its own. I'd like to thank the police who hold seat belt safety blitzes, the volunteers who conduct seat belt surveys, the community groups who organize child car safety seat clinics, the fire and emergency medical services, the local health care professionals, the committee which helped plan the fall and spring campaigns, and everyone else across Ontario who has helped to spread this important message: Seat belts simply save lives.

There are no accidents. There's no fate. When two cars collide, it's a collision or it's a crash, and it is preventable. We know that we can make our roads safer for children in Ontario and everyone who travels our roads. All we need to do is use our heads and buckle up and be safe in Ontario.

1510

## ORAL QUESTIONS

### AUTISM TREATMENT

**Mr. John Tory (Leader of the Opposition):** My first question is for the Premier. I know he's close by, because he couldn't be any further than 60 feet away, no matter what. So perhaps we can—

**The Speaker (Hon. Michael A. Brown):** You could perhaps stand down the lead question. Do you wish to stand down the first question? Agreed?

*Interjections.*

**The Speaker:** Order. Stop the clock.

I would ask the Leader of the Opposition if your second question is to a minister now present.

**Mr. Tory:** My second question is also to the Premier, Mr. Speaker.

**The Speaker:** I have no ability to know where the Premier is at this present time. Do you wish to proceed by asking the Deputy Premier? No?

*Interjections.*

**The Speaker:** Order.

We'll reset the clock. The Leader of the Opposition.

**Mr. Tory:** I wanted to wait for the Premier on the basis that they were suggesting I question the Deputy Premier, but I think there will be lots of days when I'll have that privilege going forward.

My question is to the Premier. Premier, on September 17, 2003, in the middle of the election campaign, you wrote to Nancy Morrison, the parent of an autistic child, and you said, "I believe that the lack of government-funded IBI treatment for autistic children over six is unfair and discriminatory." You also said that you would work to ensure that autistic children in our province can get the support and treatment they need, and you said that this included children over the age of six.

We keep hearing from parents of autistic children of all ages who are not receiving the treatment that you promised. Dozens are here today, and I could read you many more than dozens more e-mails from other parents. Are you intending to keep your word to these parents, and, if so, when?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I thank the leader of the official opposition for the question.

Let me take the opportunity at the outset to convey to him that I had the opportunity yet again this summer to meet with some parents who were very concerned about their children and with services in the province of Ontario that might help better address their needs as children



who are affected by autism. Let me say as well that, contrary to what the previous government had done, we've made some tremendous inroads in terms of providing new opportunities and new services.

First of all, I'm proud to affirm that children who attain the age of six in the province of Ontario are no longer aging out when it comes to receiving services. That's an important development.

I can also say that we have doubled the investment to more than \$112 million this year in terms of providing services for children affected by autism.

**Mr. Tory:** You've also, Premier, at the same time, taken the waiting list from 76 when you took office to over 700 today. The parents and the children who are here today are not here to thank you for things you claim to have done. If the Fente family, the DiCarlo family, the McVicar family or the MacIntosh family believed that you had kept your promise, they wouldn't have come all the way here today, including a man who drove eight hours from Espanola with his grandson, and many hours from other cities.

What do you have to say to Lisa Prasuhn, who wrote to me about her daughter Carolyne? She said that she finds it difficult to accept that "our child cannot write with a pencil, eat with a spoon, dress herself, ride a bicycle on her own, ride a school bus with her sister," and she goes on. Then she says, "Almost three years have gone by and our child has not yet received a single hour of IBI therapy from this province, despite the promises and press releases emanating from this government and this minister."

That coincides with your period of time in office. If you've kept your promise, when is Carolyne going to begin to receive her IBI treatments?

**Hon. Mr. McGuinty:** I don't doubt that by any objective measure we are moving in the right direction. We have, as I said a moment ago, doubled investment to more than \$112 million. We have now more therapists. We've created a new college program to train therapists. Some 110 were hired this year; 200 graduating next year. More children than ever before are getting service in the province of Ontario. In fact, more than 900 children are receiving IBI treatment this year. That's a 70% increase since 2004. We've also reduced the wait time for assessments. There's been a 68% reduction in the waiting list for assessments since 2004.

Is there more to be done? Undoubtedly. But again, I think that by any objective standard, we are moving in the right direction.

**Mr. Tory:** By any objective standard, you said anything you had to say and signed any letter you had to sign to win the election. The fact is that the number that you're not referring to is that there was a wait list of 76 people when you took office that today stands at 753, as of this spring.

Rhoda Boyd doesn't believe you either. She's the mother of Emmett Vokral, who is one month from his sixth birthday. She says that she and her family "live in constant fear that we will be told any day now that our

child will no longer be receiving services." She says that because she got an assessment report this week and she was told, "his services may be cut pending the outcome of [the] Wynberg [case] and the development of new discharge criteria being finalized this fall."

Ms. Boyd obviously feels that you have not kept your promise; in fact, that you've broken it. If you've kept your promise, and if you're so intent on doing so—and you haven't said once today so far, in three opportunities, that you will keep the promise—will you guarantee today that Emmett Vokral will not see a break in his treatment, that it will carry on? Will you keep that promise and make it? I don't know why we'd believe it, but will you make it anyway?

**Hon. Mr. McGuinty:** I know that parents who have had born into their families beautiful children who have been affected by autism understand the difference between our government's record and that former government's record. But so that the rest of Ontario better understands, that former government cut children off from IBI services when they reached the age of six. We've changed that in Ontario. We've more than doubled the funding available for these programs.

More than that, there were no programs available, no funding opportunities for services in our schools. We have more support now in schools than ever before. We're training 5,000 teaching assistants to work with children with autism in the classroom and we've hired 170 autism consultants to advise teachers.

So kids are no longer aging out at the age of six, we're investing in a new college program to train therapists, we've got opportunities in schools that have never been there before and, on top of that, we've said that we're going to continue—

**The Speaker:** Thank you, Premier. New question.

## EMERGENCY SERVICES

**Mr. John Tory (Leader of the Opposition):** I'd point out, by the way, that it's your signature on that letter making the promise and it was your government they faced in court when you took them to court to carry on with the court case.

My question is for the Premier. In 2003, the campaign platform full of broken promises, you also promised to "unclog existing" emergency rooms.

If you had meant what you said when you were running for election, if you had any intention whatsoever of keeping that promise, among many others, we wouldn't see emergency rooms threatened with closure—ERs in communities like Orangeville, Collingwood and Brockville.

1520

You promised to unclog hospital emergency rooms, and you've broken that promise. Do you have any intention of keeping this promise, among the many others? Will you unclog the emergency rooms so they're not threatened with closure and people can get the care they need?



**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I think the leader of the official opposition will want to admit that we have made significant levels of new investment in health care in Ontario. Ontario families now have more access to doctors and nurses than ever before. They have shorter wait times than they've had in a long, long time, and we've been very public and transparent about that: Ontariowaittimes.com is now available for Ontarians to check out. They will know that we have a new medical school in northern Ontario. They will know that we've provided funding for more than 4,000 new nurses. They'll know that the Minister of Health has made a commitment to take on all nurses graduating next year.

He will know as well that there is a real question that weighs heavily on the minds of Ontario families, and that is, how is it that Mr. Tory can possibly purport to improve the quality of our health care if he's going to take \$2.5 billion out of our health care system?

**Mr. Tory:** Mr. Speaker, (a) I've never said such a thing; and secondly, if you got such a great record, what are you spending your time talking about—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I need to be able to hear the member asking the question. That means that the member asking the question is the only member in here whose voice I should hear.

**Mr. Tory:** The fact is that emergency rooms across the province have had difficulty finding doctors and staying open over the course of the summer. Last November, a group of emergency room doctors came to Queen's Park to raise this issue. They were dismissed out of hand by the Minister of Health as a rogue group. When asked by the media if he was prepared to make emergency room wait times a priority, he said, "No, I'm not." It's a shame, actually, that the only time anybody's kept their word around here is when he said, "No, I'm not," and he didn't do it. It hasn't been a priority, and they've been closing.

People come up to me in almost every single community in this province when I visit—and I'm sure they do with your members too—and they talk about their mother and their sister and their children who are waiting hours to see somebody in these emergency rooms, and now they're threatened with closure.

In the same interview conducted a year ago, the minister said he was going to bring forward an alternate funding arrangement for emergency room doctors. Here we are a year later and it's not done. When are we going to see that promise kept, or is that going to become another McGuinty broken promise?

**Hon. Mr. McGuinty:** The Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I think it's important in the conversation with respect to the challenges related to emergency rooms that we put on the table and acknowledged a few things.

Firstly, this is a challenge that has been apparent in the Ontario health care system not just for a few years or a few months, but for literally decades.

The honourable member asked about the alternate funding arrangement for emergency room doctors. That's in place. In fact, in the Kitchener community, perhaps the most noted experience that we're having in the challenges related to emergency rooms is not related to an EDAFA, as it's known; there's one of those in place. The circumstances are such that some hospitals in the province of Ontario, most notably in Hamilton, had a practice for a period of time where they were topping up beyond that arrangement which was negotiated between the government and the Ontario Medical Association. We continue to work with the Ontario Medical Association to ensure that the contractual obligations which we fulfill on our side are fulfilled at the other.

Of course we have more work to do, but it would be important for the honourable member to acknowledge as well that 600 fewer doctors in our province, made possible as a result of the inaction by the government that bears his name, is a big part of the circumstance that we're facing—

**The Speaker:** Final supplementary.

**Mr. Tory:** That's all very interesting, but it's of no interest to people who are sitting with their child or with their mother or with their brother or by themselves in a waiting room waiting hours, or when they see in the newspaper or actually experience the fact that some of these emergency rooms are threatened with closure. All you've managed to do—I give you credit for at least doing something, but what you have done when you've done anything has been kind of a paper-clip-and-bubble-gum solution, where you make a couple of phone calls and tide us over for a few hours. That's not a solution in Ingersoll, Hanover, Kirkland Lake, Timmins, Sault Ste. Marie and Atikokan, where they're on the front lines of this crisis.

People are worried for themselves and for their families. They are waiting hours to be seen. They just want to know, when are you going to keep the Premier's promise, yet another broken promise from your election platform, to unclog the emergency rooms? Because whatever you've said you've done, it's not working, and more needs to be done. When are you going to act? You're the minister; get on with it.

**Hon. Mr. Smitherman:** The honourable member has exposed himself once and for all, because it seems that for his first two years around this place, his suggestion for the resolution to every file was just to pick up the phone: "Why don't you just pick up the phone and call?" So we saw a circumstance emerging where the small community of St. Marys was at risk of losing its emergency room, and someone in my office did that: They picked up the phone and they called a doctor that they knew from Strathroy, Dr. Tom Wolder. As a result of that, what you refer to as a "paper clip and bubble gum strategy," we retained coverage on an August long weekend for the people of that community. It is an example of the efforts that we will go to.

You refuse to be held accountable for the reality that is your record. Your name and your party's name are the



same. You squandered the opportunity to produce a sufficiency of doctors in this province, and community after community pays the price. You can't pretend you weren't a backroom power. You can't pretend that, just because you were in the backroom, you didn't have influence over those policies. So stand up and fess up and be honest about the circumstances that that Minister of Health—

**The Speaker:** Thank you. New question?

*Interjections.*

**The Speaker:** Order. Stop the clock. A few minutes ago, I gave a lecture to members about having only one member speak at a time. Our memory seems to be a little short today. Let's just try to concentrate. Remember that only one member has the floor at a time.

The leader of the third party.

#### GOVERNMENT'S RECORD

**Mr. Howard Hampton (Kenora-Rainy River):** I first want to welcome all members back to the Legislature. I especially want to welcome the member for Parkdale-High Park to the Legislature.

To the Premier: The people of Parkdale-High Park sent you a message. They are disappointed by your broken promises and your half measures. You promised to fix the school funding formula. You promised to close coal plants. You promised to stop the creeping privatization of our health care system. Instead, you closed schools while coal plants and private health clinics remain open.

Your government is entering your fourth year of government. When are you going to stop blaming others for your failures, take responsibility, show leadership and start keeping your promises?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I always appreciate the leader of the NDP's particular perspective on issues, but I obviously see things differently.

He made reference to a number of areas, and let me just focus on one of those: education. He may decry the lack of progress, but that's not how I see it and I don't think it's how Ontarians see it. Test scores are going up. We have more books in our schools and in our school libraries. We have more special ed children getting the help they need. We have 6,750 more teachers on the job. Class sizes are going down in the early grades; in fact, almost 50% of our primary classes are now capped at 20. Dropout rates are coming down. So again, I say to the leader of the NDP, he may see each and every one of those facts as bad news, but I see them as good news, and as evidence of a commitment to the quality of public education.

**Mr. Hampton:** Yes, you try to tell everyone across the province that those are facts. The people of Parkdale-High Park know they are not facts and people across Ontario know they are not facts.

The people of Parkdale-High Park told you in no uncertain terms that they are disappointed by your failure

to fix the Conservatives' flawed funding formula for our schools. University students and college students told you that they are unhappy with your broken promise to freeze tuition fees and your escalation of tuition fees instead. My question is this: When are cash-strapped university and college students going to see some relief on tuition fees, and when is Dalton McGuinty going to finally keep his promise to fix the flawed school funding formula?

1530

**Hon. Mr. McGuinty:** The leader of the NDP indulges in a world of fantasy which is unlike the world that I live in. I know that one of the things he's going to want to do is to correct the record in his supplementary and remind Ontarians that, in fact, our commitment was to freeze tuition for two years. I know he's very much aware of that, Speaker, and he'll want to make sure he corrects that record.

We're very proud to have been the government that has committed to investing \$6.2 billion into post-secondary education over the course of five years. That, by the way, was not a commitment we made. We're doing it nonetheless.

He will know that \$1.5 billion of that new money is devoted to student assistance. He will know that we brought back grants to the province of Ontario. This September, some 60,000 students will benefit from grants. He will know that we're hiring 3,300 new faculty members. He will know that we're increasing medical school spaces by 23%. He will know that, overall, we're increasing college and university spaces by 73,000—

**The Speaker (Hon. Michael A. Brown):** Thank you, Premier. Final supplementary.

**Mr. Hampton:** Premier, the people of Parkdale-High Park heard all of that and shook their heads and said, "No, we don't believe that anymore." They've seen the photo ops, they've heard the speeches laden with platitudes, and they know it's not true.

I want to ask you about the situation with our emergency rooms. Today, Cambridge Memorial Hospital is looking at privatizing emergency room services—handing over delivery of its most urgent health care services to profit-driven corporations. The chief executive officer says that when you're facing threats of closure, exhausted nurses and the public's fatigue with long waits, "You have to think outside of the box."

Premier, after many promises, what is the McGuinty government going to do to address the emergency room crisis in our hospitals and ensure that more health care services aren't privatized?

**Hon. Mr. McGuinty:** One of the reasons we're facing challenges when it comes to staffing up emergency rooms and other areas that require physicians, regardless of whether they're within a hospital or outside a hospital, is because that member and his government cut the number of medical school spaces in the province of Ontario.

What we've done is we've built the first new medical school in Canada in some 30 years, we've expanded medical school spaces by 23%, and we've more than



doubled the number of spaces for our international medical graduates. Those are the kinds of things we have done in order to work as fast as we can to address the damage that was created by the former NDP government.

### AUTISM TREATMENT

**Ms. Shelley Martel (Nickel Belt):** To the Premier: During the last election, you promised the parents of autistic children that you'd allow IBI treatment in the schools. Seventeen months later, at the end of March 2005, Justice Kiteley said this in her autism decision: "In particular, the Minister of Education failed to develop policy and give direction to school boards to ensure that ABA/IBI services are provided to children of compulsory school age. Indeed, the actions and inactions of the Ministry of Education and the minister created a policy barrier to the availability of IBI/ABA in schools."

Premier, that is the same sad state of affairs today in Ontario. Why have you broken your promise to autistic children who need IBI in the schools?

**Hon. Mr. McGuinty:** It's good to learn of some passing interest in this issue by the NDP, which made not a single reference to the word "autism" in their platform. It's interesting to see that they've developed some passing interest at this particular point in time.

Again, I'd ask Ontarians to take a look at what we inherited and what we've done so far. There were no services available for children once they reached the age of six; they were cut off. That was a Tory policy. We've changed that. Furthermore, there were no services available in our schools. We've changed that as well. We've more than doubled the funding available for our children who are affected by autism.

Yes, we're making progress; yes, we're working together with the affected families; and yes, there is more work to be done.

**Ms. Martel:** I remind the Premier that his government only stopped cutting people off IBI when Justice Kiteley ordered him to do so, 17 months after you were elected.

I want to talk about Nancy Morrison, the same Nancy Morrison that you had so much to say to on September 17, 2003, when you made your promises on autism. She had this to say about IBI in the schools: "My child has to stay home from school to get his therapy and only goes to school half days because they won't allow trained people in.... The therapist is not allowed in school.... She has been barred from the classroom."

Parents of autistic children know that what their child needs to succeed in school is their IBI therapist in the classroom, helping them to learn. That is, after all, the promise you made to Nancy Morrison in the last election. I ask you again, Premier, why have you broken your promise to families like Nancy Morrison?

**Hon. Mr. McGuinty:** It may be helpful to the members of the opposition to know exactly what our commitment was, and I'll restate it here.

I said in government: "My team and I will work with clinical directors, parents, teachers and school boards to

devise a feasible way in which autistic children in our province can get the support and treatment they need. That includes children over the age of six." That was the commitment.

The member opposite may, through her own particular idiosyncratic perspective, choose to interpret us as not having lived up to our commitment, but I say that we have, and I say beyond that, we will continue to work with parents; we will continue to work with representatives to ensure that we can make still more progress.

Again, we more than doubled the funding. We've ensured that children no longer age out at the age of six. We're providing an unprecedented level of supports in our schools. Does that represent progress? Yes. Is there more to be done? I say yes again.

**Ms. Martel:** I don't think the Premier wants to challenge Nancy Morrison again. He's already made many promises to her and broken them, and her son's therapist is barred from going into that classroom to provide IBI.

What else did Justice Kiteley have to say about your government and your Minister of Education? She said: "The absence of ABA/IBI means that children with autism are excluded from the opportunity to access learning, with the consequential deprivation of skills, the likelihood of isolation from society and the loss of ability to exercise the rights and freedoms to which all Canadians are entitled."

Every day in Ontario, school children with autism cannot go to school because they cannot learn in the classroom without their IBI therapist, and every day your government, Premier, keeps in place the barriers that ensure that therapists cannot be there. Autistic children have a right to public education in Ontario. What are you going to do to keep your promise to ensure that they can get it?

**Hon. Mr. McGuinty:** I gather the member is changing tactics. Now that she no longer believes that we have not kept our commitment, she's going back to a court decision.

We will continue to work with parents. I say that in the presence of parents here, some of whom I've had the opportunity to meet with. We will maintain an ongoing dialogue. We've made some real progress working together. We have more than doubled the funding. Children no longer age out at the age of six. We're providing an unprecedented level of new support in our schools. Again I say to the member opposite and to the parents present: There is more work to be done, and we will continue to work together.

### EMERGENCY SERVICES

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** My question is for the Minister of Health. Last year in November, I raised the issue of the overcrowded emergency rooms with you here in this House after several emergency room doctors had travelled to Toronto in order to let you know about the problems they were seeing in emergency rooms. They said that the emergency department situation was severe, it was



impacting patient outcomes and it was not sustainable with current resources. Not only did you attempt to marginalize these doctors; you refused to acknowledge that there was a problem.

Today the problem is even worse than it was last year. In fact, administrators and doctors throughout the province are telling us so, and we know that at least 19 communities have been threatened with temporary closures of their emergency rooms. My community, Kitchener-Waterloo, is among them.

I would like to know, Minister: What steps are you taking to ensure that Grand River and St. Mary's hospitals are going to be able to continue to meet the needs of my—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. The Minister of Health.

1540

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** The honourable member tries pretty hard to tell a story. She told a story. The circumstances are a little different by recollection.

Firstly, a group of doctors that is not the Ontario Medical Association, with whom we negotiate, came forward. They didn't represent all emergency room doctors. We work through the OMA, and we continue to do that. In fact, Dr. David Bach, the president of the Ontario Medical Association, has been playing a role and assisting in the situation with respect to Kitchener.

The issue in Kitchener, best as I've been able to detect, is one that is challenged on a variety of bases. Most certainly at the heart of it, one of the challenges we have in our province was created by these two parties. They like to pretend that it's not true, but they did shortchange Ontario at least 600 doctors. They could be making a difference in all of those communities.

Secondly, many of the challenges in Kitchener are locally occurring in the relationship between the doctors and the hospital. We worked hard, including at a meeting last Friday, to guide a path through that, and we're going to continue to follow up and assist and address these circumstances in—

**The Speaker:** Thank you, Minister. Supplementary.

**Mrs. Witmer:** First of all, let me correct the record. It was our government that actually added medical doctors to the system. We increased medical school enrolment. We announced the new medical school up north.

I would say to you that people in Kitchener-Waterloo are alarmed. Now a statement is being made that our emergency room services are going to be suspended. One of the emergency rooms is going to be closed. I want you to commit today that our emergency rooms at both Grand River and St. Marys will not close as a result of a problem that you have left unattended for three years, despite the promise made by your Premier. You've broken your promise.

**Hon. Mr. Smitherman:** From the honourable member, who is a fantastic pretender—let's get real here. The situation is so well known and so well established. In

1993, that party made a decision to tramp down our medical schools, to make them smaller. This party waited years into its term in office to begin to expand again. The reality is clear to everyone. You can't make a doctor as fast as you can make a pizza. You sat on the sidelines and squandered opportunity, and the result was, working with them, we lost 600 docs. Now, you can make up any story you want, but you can't escape that fundamental accountability.

On the issue with respect to the emergency rooms in Kitchener, this is a serious situation and we take it seriously on behalf of those patients. Two assistant deputy ministers from the ministry were there in Kitchener on Friday. We've enlisted the support of the Ontario Medical Association. We will do all that is within our power to address this. But the honourable member, as a local member, cannot pretend that some of the circumstances here are not about the relationship between the doctors—

**The Speaker:** Thank you, Minister. New question.

## LANDFILL

**Mr. Peter Kormos (Niagara Centre):** I have a question to the Premier. Premier, in 2004 and 2005, the Ontario Liberal Party received over \$35,000 from Green Lane landfill and Green Lane Environmental Group Ltd. Your London-area Liberal MPPs purport to oppose the mega-dumping planned at Green Lane, but that hasn't stopped the McGuinty Liberals from pocketing mega donations from the dump's owners.

If McGuinty Liberals are so opposed to this dump, why are they taking money from the very company that owns the dump and has now won approvals to expand it?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of the Environment.

**Hon. Laurel C. Broten (Minister of the Environment):** It's great to be back, to have a chance to answer questions from the opposition and to bring them out of a fantasyland into reality.

Let me tell you, friends across the House, the long process with respect to the Green Lane landfill and the work that the Ministry of the Environment has done to ensure that the people of that community will be safe and protected. The terms of reference of that landfill were approved by the former government on March 28, 2002, and a process was undertaken for several years whereby facets of that landfill, which has been in existence since 1978, would be assured that any expansion application that was being brought forward would be examined in the fullness of science and that many conditions could be put in place to ensure that that landfill would be safe and protected. Any steps undertaken by the Ministry of the Environment, and all steps undertaken, are done to ensure that communities are safe, healthy and protected—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?



**Mr. Kormos:** Oh, Minister, it didn't take that long. In only two years, Green Lane pumped \$35,000 into the coffers of the Ontario Liberal Party. Even cabinet minister Steve Peters was more than pleased to take money from Green Lane Environmental Group Ltd. Is this the new McGuinty standard: cash for trash?

**Hon. Ms. Broten:** Perhaps I'll ask my friend opposite a question: Would you cancel the Green Lane landfill? Would you seek to interfere in a legally binding—

*Interjections.*

**The Speaker:** Order. Minister?

**Hon. Ms. Broten:** The responsibility of the Ministry of the Environment is to examine the facts, the reality, examine the science and ensure that communities can be safe and protected. There is no doubt that reducing waste is our first priority. But we don't live in a fantasyland and we recognize that landfill may be required. This application came forward to the Ministry of the Environment. It was fully examined, conditions were put in place, and those conditions will ensure that the community will be safe and protected. The members opposite may seek to close Green Lane landfill, may in fact want to interfere in a legally binding agreement. That's not the ability or—

**The Speaker:** Thank you. New question.

#### ASSISTANCE TO FARMERS

**Mr. Jeff Leal (Peterborough):** My question today is to the Minister of Agriculture, Food and Rural Affairs. The Peterborough riding was pleased, and in particular Keene, Ontario, to host the International Plowing Match last week. The IPM usually attracts more than 150 competitors and over 500 exhibitors and is considered the largest outdoor farm and rural expo show in Canada. The farm show includes historic, modern, educational, artisan and agriculture exhibits as well as special events. This year's plowing match attracted over 81,000 visitors. It was hosted by Jim and Mary Glenn, the owners of Glenn Isle Farms, and Norm Blodgett and his committee did an excellent job.

Minister, I was delighted to have the Premier and so many of my colleagues attend this event. It was truly a successful week. I was very pleased that our Premier announced new investment in rural Ontario that will build opportunities for farmers and strengthen vital infrastructure in rural communities. Minister, could you share with us the details of this wonderful announcement?

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** I'm very happy to have the opportunity, first of all, to congratulate the organizers of the International Plowing Match, who I believe did an outstanding job for their event this year in Keene, also the host couple, the host farm, Jim and Mary Glenn, as well as our colleague Jeff Leal. He did a great job of advertising for his local community. He got two wagonloads of his colleagues out to the International Plowing Match. It was an opportunity when our Premier was able to announce \$185 million of new money. That's on top of the federal announcement that was made at the time of

their budget last spring. Of that \$185 million, \$110 million will go directly to farmers and \$75 million will be going to rural municipalities across Ontario.

**Mr. Leal:** Minister, this is exciting news for rural Ontario. I'm sure the constituents of Peterborough and the folks who were at the plowing match really appreciate this commitment.

However, it would seem that the Leader of the Opposition has got his numbers wrong again. I was shocked when I read in the papers the suggestion that the Leader of the Opposition said that the \$110 million that was announced is actually federal money which allegedly the Ontario government has been sitting on for four months. Once again, when John Tory visits rural Ontario, it's one foot in the furrow and one in his mouth. Minister, can you set the record straight?

1550

**Hon. Mrs. Dombrowsky:** I'm very happy to. I can't tell you how disappointed I was. I think it certainly reflects very sloppy research, very poor math skills and very empty rhetoric on the part of the opposition to try and suggest that this government was sitting on federal dollars. Nothing could be further from the case in the province of Ontario. The money that was announced last week is new money. I would also like to clarify that that is a result of our Premier listening to farmers in rural Ontario. He spent the entire summer going across Ontario and he indicated that this investment is essential if we are to continue to have a strong agriculture sector.

We are providing a 40% match to the federal dollars that were announced in the federal budget last spring, even though there is absolutely no requirement. The federal government made it very clear in their announcement last spring that provinces would not be required to come up with 40%, and this Premier has come up with \$110 million for farmers in Ontario. That is our commitment to farmers.

#### AUTISM TREATMENT

**Mr. Frank Klees (Oak Ridges):** I have a question to the Minister of Education. Today, Dennis Lendrum travelled from Espanola with his daughter, Trinna Lendrum, and her son, Alex Bertrand. He is autistic. He is not receiving the services that we hear about today. There is a great gap between the rhetoric of your government, the services that you say are there for autistic children, and what parents are experiencing in a practical way in their homes every day.

You, as minister, made your first major announcement relating to autism. We were encouraged by the fact that it related to autism; we were greatly disappointed to hear how quickly you've learned the art of spin over substance, because your announcement related strictly to the creation of yet one more study. You're going to appoint a reference group to study this issue three years after your government has taken office. I want to ask you this question—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. Minister.



**Hon. Kathleen O. Wynne (Minister of Education):** Thank you to the member for the question. It is with great pleasure that I'm going to counter the claim of the member opposite; I can't tell you how much pleasure it gives me. We have this year already put \$50 million more into special education generally. We have given \$5 million from our ministry to the Geneva Centre to train education assistants. We know very well that training is needed.

What the member opposite is referring to is the establishment of an autism reference group. It is not to study; that reference group has been set up to advise both the Minister of Children and Youth Services and myself on the best practices that are needed in our province.

There is no silver bullet. I wish there were a silver bullet to help all those families who are dealing with children with autism. We need to know from the experts who are sitting in that autism reference group what the best practices are so we can make the best difference in this province with the money that we're—

**The Speaker:** Thank you. Supplementary.

**Mr. Klees:** My question is, very simply: Why has it taken you three years to bring those people to the table to find out what the best practices are? Ask the parents; they'll tell you what the best practices are. You don't need another reference group. I suggest, Minister, that effectively what you have done is you've deflected one more time. You're creating another photo op instead of getting down to the heart of dealing with the issue. Every one of these parents will tell you today what the answer is. Why will you not simply implement and meet the commitment that your Premier made, and that is to look after the needs of these autistic children?

**Hon. Ms. Wynne:** We need this group to talk to us about good practices because in fact we know about the bad practices. The bad practices were practised by the previous government. Aging children out at six was a bad practice. Not putting the resources into the system to allow the schools to work with the community agencies was a bad practice. What we need are the transition plans. We need to make the links between what's happening in the community and what's happening in the school so that those kids who are not aging out at six are continuing to get training. But they need to be in the mainstream in the school. How do we do that? That's what we're asking the reference group, and you did not start on that road.

#### EDUCATION FUNDING

**Ms. Cheri DiNovo (Parkdale-High Park):** My question is for the Premier. I was sent here by my electorate in Parkdale-High Park with very simple questions: Why don't we have fully funded public schools? Why do we still have a flawed funding formula? Why do we still have the Toronto District School Board running an \$84-million deficit and the Catholic school board running a \$34-million one? Why did the Campaign for Public Education yesterday send me here to ask these questions

as well—parents, teachers, trustees and, finally, students? I would like the Premier to answer.

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Let me first of all take the opportunity to congratulate the member on her success and to offer her my very best wishes as she engages in this privileged opportunity to represent her constituents. I mean that in the most sincere way possible.

The member will know that we have put together a team of people who are working now with the Toronto school board in a genuine effort to learn more about their particular financial challenges. We do know that we are getting class sizes down in the TDSB. We know that we have more teachers, that we have more textbooks, that the graduation rate is going up. Those are all good things. They're all moving in the right direction. At the same time, the board has a responsibility to ensure they are managing that new, unprecedented level of dollars in the best way possible. We have a process in place. My advice to the member opposite would be to allow those people to work together to come back to us with their very best advice so we may then decide on the best plan going forward.

**Ms. DiNovo:** My question, then, to the Premier would be: Why did the electorate send you an interim failing report card? Also, aren't these advisers the same sorts of advisers and overseers that the Harris-Eves government sent in?

**Hon. Mr. McGuinty:** I know that the member, in her heart of hearts, doesn't believe that. She would know, for example, that in our first three years in government we put \$2.7 billion more into education and she would know that in their first three years the Harris-Eves government took \$200 million out of education.

I would remind the member of what it was that the chairperson from the Toronto District School Board said when we first announced that we were sending in these three people:

"It demonstrates clearly that the government is looking for solutions, and I think the experience and knowledge these individuals have about TDSB's challenges and programs will be very helpful in assisting the board with its budget issues.

"I commend the minister.... Brian and Joan have demonstrated throughout their careers that they are interested in finding solutions to challenging issues in education."

What we said to the TDSB was, "Let's sit down. Let's work together."

#### WASTE MANAGEMENT

**Ms. Deborah Matthews (London North Centre):** My question is to the Minister of the Environment. Minister, people in London and southwestern Ontario are asking why Toronto can't deal with their own sewage sludge and their own garbage in their own backyard. I'm asking the same question. I know that municipal waste is a municipal responsibility, but clearly the province has some responsibility here too. I think it's important that



we step up to that responsibility and take action. Minister, what are we doing as a province and what are you doing as a minister to solve our garbage issues and move into the 21st century to ensure that every municipality can deal with their own waste in their own backyard and not just send it down the highway and dump it in someone else's backyard?

**Hon. Laurel C. Broten (Minister of the Environment):** I want to thank the member for her question and her advocacy on behalf of her community in London. There is no doubt that increased diversion is our first priority. We need to take this province into the 21st century. We have inherited a legacy whereby the NDP wasted millions of dollars looking for landfill across the province and did nothing, and the Conservatives while in government spent eight years trying to send Toronto's trash to a lake in northern Ontario and accomplished nothing. But I can tell you that as Minister of the Environment, I'm committed to taking down the barriers that have held us back from state-of-the-art waste management in this province. We're working with industry to develop 21st-century solutions, new and innovative technology—gasification, methane capture—that will solve disposal issues in communities right across the province. We need also to work with municipalities and industry to develop new, faster and better ways to increase recycling, speed up EA approvals and adopt new technologies, as we have seen in the Plasco site in Ottawa. We have also—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary? The member for London—Fanshawe.

**Mr. Khalil Ramal (London—Fanshawe):** Minister, thank you for your answer. But I also have a question, because my constituents are concerned that the terms and conditions of the operating licence might change when Toronto takes ownership. Can you assure my constituency office and the people of London that nothing will change when Toronto takes ownership?

**Hon. Ms. Broten:** I also thank this member for his question and his advocacy on behalf of his community.

I want to make it absolutely clear that the terms of the environmental assessment, which took place over a number of years—28 of them put in place to ensure the most stringent environmental protections for the community that is the host of this landfill—will remain in place under the current ownership, under any ownership. If Toronto takes its place, they will remain in place. The role of the province in all of this is to ensure that those strict environmental standards remain in place.

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**Mr. Tim Hudak (Erie—Lincoln):** On a point of order, Mr. Speaker: I'd like to seek unanimous consent to finish the last 11 minutes and 49 seconds of question period.

**The Speaker:** Mr. Hudak has asked for unanimous consent to—

*Interjection.*

**The Speaker:** I heard a no.

Pursuant to standing order 30(b), it now being 4 of the clock, I am now required to call orders of the day.

## ORDERS OF THE DAY

### MUNICIPAL STATUTE LAW AMENDMENT ACT, 2006

### LOI DE 2006 MODIFIANT DES LOIS CONCERNANT LES MUNICIPALITÉS

Mr. Gerretsen moved second reading of the following bill:

Bill 130, An Act to amend various Acts in relation to municipalities / Projet de loi 130, Loi modifiant diverses lois en ce qui concerne les municipalités.

**The Speaker (Hon. Michael A. Brown):** Mr. Gerretsen has moved second reading of Bill 130. Mr. Gerretsen.

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** I will be sharing my time with my parliamentary assistant, the member from Scarborough Centre.

Let me first of all say what a pleasure it is to be back in the House again after our summer recess. I look forward to a vigorous debate on this bill and a number of others as well.

Today I'm pleased to start off the second reading of Bill 130, our government's proposed Municipal Statute Law Amendment Act, 2006. Bill 130 is the result of our government's review with our municipal partners of the Municipal Act, 2001. We launched phase 1 of the review with two minister's forums, where we listened to the concerns of municipal representatives and the business sector. We were told that municipal governments simply needed new powers. We heard that local governments face delays because they have to get provincial government approval for even the simplest of things.

We considered all of the comments and concerns we heard during the review, and the legislation we're giving second reading to today is part of an answer to that. I say that it's part of an answer because more will come after the completion of the provincial-municipal fiscal and service delivery review that was announced this past summer.

Bill 130 and the review I just mentioned are a part of our government's plan for strong communities across Ontario. If passed, this bill would significantly amend and revise the Municipal Act, 2001, to give Ontario's municipalities new powers and autonomy so that they have greater flexibility to meet local expectations and fulfill council responsibilities and the requirements of their local citizens.

In drafting this bill, our government has built on our good and positive relationship with municipalities. This is a relationship that our government was intent on establishing when we came to office. We were and we are determined to work with our municipal partners for stronger communities in Ontario for the benefit of all of our residents.

For example, our government has continued to strengthen our commitment under the memorandum of



understanding to consult with the Association of Municipalities of Ontario on matters that may affect municipal budgets and municipal planning. We conduct meetings on a monthly basis with AMO, and at these consultations, cabinet ministers sit across the table from municipal leaders for in-depth and frank exchanges of views and ideas about legislation and regulations within their particular ministry's jurisdiction.

In addition to these monthly meetings, through the course of the municipal review for Bill 130, we've had extensive discussions with AMO and our other municipal partners. We received many thoughtful submissions, all of which helped us to draft a bill that will truly help our municipal partners to deliver the services that help make the quality of life in Ontario second to none in the world.

On top of this helpful advice, Bill 130 was also informed by the policy approach taken by the City of Toronto Act that was passed earlier this year.

I want to talk specifically about the requirements and the ingredients of Bill 130.

First, the general structure of the Municipal Act, 2001, as it currently exists, will not change. However, an important point is that Bill 130 will require that the powers of municipalities under the current Municipal Act or any other act that grants powers to a municipality will be interpreted broadly, which is currently not the case.

As well, the "natural person" powers of a municipality that currently exist will continue. That means, for single-tier municipalities, Bill 130 will provide broad permissive powers to council to pass bylaws respecting a number of significant matters, including: their governance structure; how they deal with accountability and transparency; how they enhance and support the economic, social and environmental well-being of their municipality; how they protect and promote the health, safety and well-being of the people within their municipality; how they go about protecting the persons and property within a particular municipality, which also includes consumer protection. The final power I wish to mention is business licensing.

All of these permissive powers will be interpreted broadly, and they are permissive powers.

Both upper-tier and lower-tier municipalities will also enjoy broad powers, but the existing division of powers between upper- and lower-tier municipalities will remain unchanged.

I also want to make it clear that the broad powers that municipalities will enjoy if the bill passes will not overwrite the current assignment of powers under the spheres of jurisdiction as set out in the current Municipal Act.

Further, in regard to what the new powers will not do, let me just give you a few examples.

They will not give municipalities the power to change any provincial act or regulations as they apply to that particular municipality. All provincial acts and regulations will continue to prevail over municipal bylaws in the event of a conflict, once this particular bill is passed.

1610

Furthermore, the assignment of any specific municipal powers to either a lower- or upper-tier municipality will

continue. The government of Ontario will also retain the power to make regulations that prohibit or impose conditions on the use of broad powers by a municipality, if necessary. These provincially made regulations will expire after 18 months.

If Bill 130 is passed, though, municipalities will enjoy much greater flexibility than they have today. For example, a municipality will have greater authority to delegate its powers and duties to a person or body. A municipality will also have the authority to delegate legislative and quasi-judicial powers to certain persons and bodies that it names, but with restrictions. There are specific powers and duties that a municipality will not be able to delegate. They include the power to impose a tax, the authority to adopt official plans or pass zoning bylaws, and the authority to adopt or amend a municipal budget. However, for the powers that could be delegated, municipalities will have the authority to establish an appeal body for any such regulated matter.

If this bill is passed, municipalities will also enjoy broad permissive powers with respect to local boards and municipal service boards. For example, municipalities would receive expanded powers to establish, change or dissolve local boards, with the exception of certain local boards, including the police service boards, boards of health and public library boards.

Our government has always said that government must be accountable, and that applies to our local governments as well. Therefore, Bill 130, if passed, will give municipalities new accountability measures. Bill 130 will give municipalities express authority to establish codes of conduct and to establish offices for an integrity commissioner, an ombudsman, an auditor general and a lobbyist registrar.

It will also place new accountability around council meetings. A municipality would have the express authority to appoint an investigator in regard to compliance to closed meeting provisions. Otherwise, an investigation may be undertaken by the provincial Ombudsman if no local investigator is appointed by council, and that is a new power.

To enhance accountability, however, we must also clarify the existing roles. Bill 130 will clarify and strengthen the roles of the head of council and the municipal council. This would help ensure the accountability and transparency of municipal operations while ensuring that local controllership policies, practices and procedures facilitate and adequately monitor the implementation of council decisions.

The bill would also add a new section to the Municipal Act that would outline the duties of the head of council as CEO of that particular municipality.

Municipalities would also have new enforcement powers if Bill 130 is passed. They would have administrative power of entry to determine compliance with bylaws, orders or conditions placed on a licence issued by the municipalities, subject to special protections for dwelling units. Municipalities would also be able to obtain a warrant to search for evidence of contravention



of a bylaw without having to seize evidence as they currently do.

Authority will be given to municipalities to establish fines for contravention of bylaws that they establish. And, subject to regulations, a municipality will be able to require a person to pay an administrative penalty if they fail to comply with, for example, parking bylaws.

The bill also addresses the request for economic tools that many, many municipal representatives participating in this review said they need. For example, a municipality would be able to establish a small business incubator program to encourage the establishment and initial growth of small businesses within their municipality. This would be with ministerial approval rather than ratification by cabinet.

A municipality would also have the authority to set the rules and conditions for any business improvement area within their jurisdiction. It is the government's intention to provide authority for local councils to approve municipal financial incentives within the context of the community improvement plan established under the Planning Act without provincial approval.

Our government, through Bill 130, also proposes new financial tools for municipalities. The bill, if passed, would expressly enable local councils to set out multi-year budgets, which is presently not the case. It will also enable municipalities to determine which of its employees to bond and, subject to regulations, to establish business corporations. It proposes to give municipalities greater flexibility to levy area rates and greater flexibility in administration of tax sales.

Bill 130 will also give municipalities the ability to identify other capital works that are eligible to be funded through local improvement charges. It will give municipalities greater flexibility for business licensing, and it will also give municipalities broader authority to license businesses.

The act would enable a municipality to undertake a time-limited administrative suspension of a business licence and give a municipality the authority to require payment of administrative penalties for failure to comply with the conditions of a business licence.

In response to a need that was identified during our review, the bill will give municipalities the authority to regulate taxis with airport permits that are picking up passengers in a municipality.

Some limits on the powers of municipalities to license would remain the same under our proposed legislation. For example, manufacturing or industrial businesses would continue to be exempt from municipal licensing. Similarly, the sale of goods by wholesale and businesses related to natural resources would continue to be exempt.

Also continuing generally unchanged would be municipal authority to limit the number of taxi licences issued and set the fares and rates for taxis and tow trucks.

Also continuing unchanged in our proposed legislation is the regulation-making authority respecting business licences of the Minister of Municipal Affairs and Housing.

Our government has the greatest of respect for our municipal governments within Ontario. They are, after all, mature governments that have demonstrated over the years their competence and have served their constituents well. We recognize the abilities of our municipal partners and, in keeping with the broad-permissive-powers approach to municipal reform that we think is appropriate, the bill will, if passed, replace some specific provisions in the current act with general requirements to adopt policies on the sale and disposition of lands, hiring, procurement and when and under what circumstances notices are to be given. Specific provisions would be replaced with a general requirement to adopt policies on the delegation of municipal powers and duties, the accountability and transparency of municipal actions, and ensuring that the property and civil rights of persons affected by municipal decisions are dealt with in a fair and consistent manner.

Bill 130 also carries amendments that, if passed, would affect legislation other than the Municipal Act, 2001. For example, the Highway Traffic Act would be amended to give municipalities greater flexibility in setting speed limits on local roads within their municipalities. The Retail Business Holidays Act would be amended to allow municipalities to pass a bylaw providing that the act no longer applies and, instead, allow municipalities to use their new powers under the act to pass bylaws on store closings. The Liquor Licence Act would be amended to enable municipalities to extend bar hours on occasion.

Of greater interest to some of our rural municipalities, the Line Fences Act will be amended with respect to the duties of municipalities to fence any abandoned railway rights-of-way they may own or purchase for tourism, recreational or other purposes. Currently, section 20 of the Line Fences Act requires the owner of an abandoned railway right-of-way to construct and maintain boundary fences along adjacent properties, which some municipalities have found to be extremely onerous. This amendment is in the spirit of the consultation report that was prepared by Dr. Wayne Caldwell. It achieves a balance between the fencing needs of farming businesses along abandoned railroad rights-of-way and the financial burden that fencing the whole length of corridors represents for owners of abandoned rights-of-way, which in most cases are municipalities or other agencies. It would limit the responsibility of the right-of-way owners to pay full fencing costs only for those parts of their property that abut a legitimate farming business. Such fences will only be provided and paid for by the owner of an abandoned railway right-of-way if it is requested by the neighbouring farming businesses. Non-farm properties will be treated like all other lands in Ontario, and the provisions of the Line Fences Act will apply, including the provision with respect to fence viewers.

**1620**

I now want to address some of the criticism that we've already heard of Bill 130. Some have suggested that Bill 130 will limit public access to municipal councils. In



fact, there would be enhanced requirements to support greater openness if the bill is passed because of the new powers that come with increased accountability.

For greater transparency, municipalities will be required to keep a record of all meetings, both open and closed. Furthermore, Bill 130 will not eliminate the current requirement that council state the general nature of a matter being discussed in camera; rather, the legislation, if passed, will clarify that municipal councils can conduct closed meetings for things such as councillor education and training sessions or orientation and team-building sessions, provided that they do not materially advance any issue before council and no decisions are made. Since there is an obligation to record minutes of these meetings, and these minutes are public documents, a person can use a municipality's own words to question whether a municipality has, in effect, contravened the act. In addition, each municipality would have explicit authority to appoint an investigator who would receive and investigate any complaints from the public about council, about committee or about local board meetings.

However, our proposed legislation gives citizens another avenue if a municipality chooses not to appoint a person to fulfill this role. As I've mentioned earlier, it would then be the responsibility of Ontario's Ombudsman to investigate complaints, and I might note that the Ombudsman does not currently have that right to do so.

We are proposing important changes for municipalities across the province. I'm confident that if they are passed, municipal affairs will be conducted across this province in an open and transparent fashion.

I will reiterate that our government regards local councils as mature governments that we highly respect and that all of us depend on. Bill 130 is part of what we are proposing to provide to municipalities to help them meet the challenges of today's competitive economy. It will not give broad taxation powers to municipalities. Rather the joint provincial-municipal fiscal and service delivery review that was announced by our Premier at the AMO conference this August and which is currently under way is focusing on a new fiscal and service delivery partnership for the 21st century. Our partnership efforts with the municipal sector are tackling this important issue over the next 18 months. The joint review will be broad in scope and recognizes that any outcomes should be affordable to both orders of government, to the taxpayer, sustainable over the long run and designed to provide a high quality of service to all.

We will be examining the challenges faced by municipalities if facing these responsibilities. We will be taking the time to get it right, and we believe a thorough discussion is needed to review the details and explore all of the options. Our aim with this review and this bill is to develop solutions that are sustainable. A strong Ontario, after all, starts with strong individual communities. The McGuinty government is determined to support our municipal partners as we work together to ensure that Ontarians continue to enjoy vibrant, sustainable communities and a robust economy in the years to come.

I will now turn it over to my parliamentary assistant.

**The Deputy Speaker (Mr. Bruce Crozier):** The member for Mississauga Centre.

**Mr. Brad Duguid (Scarborough Centre):** It's the other side of town—Scarborough.

**The Deputy Speaker:** All right, let's hear from the member from Scarborough Centre.

**Mr. Duguid:** I love Mississauga, but I love Scarborough even more, so I'll stay in Scarborough. That's where I plan to run in the next election. I'm not moving to Mississauga.

I'm pleased to participate in today's debate on Bill 130, the proposed Municipal Statute Law Amendment Act, 2006. That's really a technical name for what we all have referred to in the past as the Municipal Act. I know there are probably people tuning in to us today that are thinking, "The Municipal Act? That must be some law that deals with relations between governments. That sounds like pretty boring stuff." But to be frank, the Municipal Act is the bible under which municipalities in the past have had to operate.

The legislation before us today is very important, frankly, to every man, woman and child in this province, because it boldly goes where no Municipal Act has gone before in freeing municipalities, giving them the flexibility that they need to provide better services for the people of this province. So there's not a man, woman or child that lives anywhere in Ontario that will not in some way, over the course of time, be positively impacted by the legislation that we have in front of us today. I know my colleagues here in this House will be intently listening to this debate because they know how important this legislation is and how historic it is, in that it's a real changeover from the approaches taken by previous governments.

As I said, the Municipal Act has often been referred to as a bible, which in the past dictated—and I use that word deliberately—to municipalities what they could and couldn't do. In the past, municipalities were considered subservient levels of government, creatures of the province, if you will. Well, under the McGuinty Liberal government, those days are gone; the days of dictating to municipalities what they should and shouldn't be doing are gone. This government has confidence in the people of this province, in the communities across Ontario and in the municipal councils across Ontario, and we're going to be giving them enhanced powers and enhanced flexibility so that they can better govern themselves. That will provide better governance, more effective decision-making and more accountable decision-making right across Ontario. So indeed, this is an historic piece of legislation. Technical and legal as the writing of this bill is, it's very, very important to every community across this province.

Let's contrast this approach with the approach taken by previous governments. The opposition, the Tories, when they were in government saw municipalities as cash cows to unload costly services upon to save money provincially. They spent the better part of eight long and



harmful years in office hammering municipalities, down-loading costs for public transit, downloading costs for public health, downloading public infrastructure costs, downloading public housing costs and downloading social services costs. The list goes on and on. It's a wonder our cities, our hamlets, our towns were even able to survive those eight years of Tory rule.

John Tory and the Tory party, I'm sure, would very much like us to forget those devastating years. They'd very much like us to forgive that party for the abuse that they laid upon municipalities over those eight long years. I say to Ontarians and I say to my colleagues here in this House, we should never forget the damage that municipalities have incurred as a result of John Tory's party, the damage that's been inflicted on every municipality across this province as a result of those years.

The Tories don't believe in strong municipalities; they believe in a province that should dictate public policy to municipal councils. John Tory has never apologized for those years of downloading. He said, "We've made some mistakes," but that just doesn't cut it. It wasn't errors in judgment that made it completely the wrong policy. It was the wrong approach to governing in Ontario, an approach that the opposition still have; an approach that John Tory still believes in; an approach that if they were ever to get back in office again, they'd have the opportunity to inflict upon Ontario municipalities over and over.

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When our government came through with important policies and important dollars for public transit, the Leader of the Opposition said that Toronto wasn't ready for it, that the municipalities weren't ready for it. When our government came through with important dollars, with the City of Toronto Act, to give Toronto the autonomy that we're giving municipalities across this province, the Leader of the Opposition said that the city wasn't ready for those powers. It's obvious that the opposition, it's obvious that John Tory is still stuck in that old dynamic where the province should be dictating to municipalities, still stuck in that old dynamic where the municipalities are considered as creatures of the province.

Well, I'm proud to say that the McGuinty government is not mired in the past. We're looking forward to a very successful and prosperous future working with our municipalities, giving them the flexibility that they need, and this bill, this act, is a very important step in that direction.

We've come too far, we've sacrificed too much in terms of time and effort, to roll back the clock now. We need to keep moving on in an aggressive manner to give our municipalities the tools they need to prosper, to build stronger communities, to build safer communities, to build more prosperous communities.

Our government will continue to work hard to foster local governments that are self-reliant and accountable. We want to accomplish this by giving municipalities the tools and flexibility they need to more effectively serve

their communities. Bill 130, if passed, would give local governments broad, permissive powers for municipal purposes. This is a 180 from what they're currently operating within. They'll now have permissive powers, which gives them the ability to go out and get the job done. We're looking forward to taking the shackles off municipalities across this province, allowing them to be creative as they move forward to work in the best interests of their communities. That's what this bill will help them do. It will provide for strengthened accountability, a framework that will ensure that municipalities have—without having to come to the province for permission—the ability to set up a lobbyist registry, the ability to set up an integrity commissioner, the ability to have an enhanced auditor general function and the ability to set up a code of conduct for members of council and their staff. Greater accountability will be accessible now to all municipalities right across the province. We'll also allow municipal councils more flexibility to delegate powers and responsibilities to committees, boards and staff. That will lead to more effective decision-making, something that I think constituents and residents right across this province will look forward to seeing.

In our review of the Municipal Act, we heard many municipal representatives voice concerns about the need for municipalities to have greater powers and flexibility to serve their communities. AMO agreed with that view: "If the municipal role is to evolve in the years ahead ... if Ontario municipalities are going to deliver on behalf of their communities ... then they need greater responsibility, greater authority and greater accountability." This bill will give them just that. It will give them the ability to move forward with more flexibility, to move forward with more creativity, to not have to come cap in hand all the time to the province asking for permission to do this or to do that. It'll give them the ability to make many of those decisions and be accountable for their decisions to their own constituents. I think it will lead to much stronger communities. I think it will lead to much better municipal decision-making.

It's a real contrast to the approach taken by the previous Tory government. It's a real contrast to the approach that the Leader of the Opposition has taken with regard to our previous steps in that direction. It's something that this government is very, very proud to bring forward. We look forward to continued debate both here at second reading and at committee as we move forward with unleashing these powers to allow municipalities to govern more effectively.

**The Deputy Speaker:** Questions and comments?

**Mr. Michael Prue (Beaches–East York):** I guess I'm like the proverbial trout rising to the bait here, but I just couldn't believe what the minister and his parliamentary assistant had to say. The minister said that you are showing respect for the municipal governments. The parliamentary assistant went on to say that those days are "gone when provincial governments will dictate to municipalities what they can do." This is kind of a benign bill, Bill 130. It tinkers around the edges—and I'm going



to have my whole hour to talk about that—but the days aren't gone, Mr. Parliamentary Assistant.

The respect for governments, Mr. Minister? You should have been in the committee on Bill 51; you should have been there when section 23 was being debated, when the municipalities for all time were cut out of the planning process on any kind of energy deal that's going to be located in their municipality. They have had that authority for 100 years, but oh no, you're not going to give them any kind of thought anymore, because they have now been cut out for all time from the planning process. Is that the respect that you have for the municipalities? You're not going to act that way anymore?

With the greatest of respect, you're tinkering around the edges but you're not treating the municipalities like mature levels of government. You're not letting them act on fundamental issues that they have for themselves, for their citizens, for the prosperity of their cities; you're not letting them act on safeguarding the environment; you're not letting them act, in Toronto's case, about putting parkland along the waterfront. You're so concerned with mega-electrical projects and energy projects that are you going to supersede anything they might have to say. That's the reality. You can tinker on the edges of this bill, but the heavy hand of the province is there and it's there all the time.

**Mr. Khalil Ramal (London-Fanshawe):** It's a privilege and honour to stand up again in this House. I missed standing up to speak on many different issues. Today, we are speaking about a very, very important issue, Bill 130, the proposed act to change and give more authority to the municipalities across the province to deal with their own issues. I agreed with the parliamentary assistant to the minister, the member from Scarborough Centre, when he was talking about the times changing. The time has changed from the past government to the present government. We show some kind of respect to the municipalities across the province of Ontario since they are elected by their own people. The people elect them to office to represent them, to deal with their issues. If this bill is passed, it will give them more authority on a daily basis to deal with bylaws, many different management issues which they were not able to deal with before.

We believe that by respecting the municipalities, by giving them more authority, we can form a good partnership. It is the only way to have a prosperous province, because the municipalities know better about their own issues than the province of Ontario or Queen's Park. That's why the people in that municipality were elected to represent their own people: They're elected on issues and they have to deal with those issues. They have to have the authority on a daily basis to be able to regulate, to oversee the issues they have been elected on.

I want to commend the minister for bringing this bill forward, because it will give some kind of education to the municipalities, who are here at Queen's Park. We are respecting them. We are going to give them the authority they need in order to govern their own jurisdictions. I believe we can actually see in the future a change of

direction: a direction of respect, a direction for more partnerships with municipalities, which is the way it was supposed to be before. That's why we have a government and a minister that care about municipalities, the prosperity of the province, the future of this province.

**Ms. Lisa MacLeod (Nepean-Carleton):** I'll reserve my detailed comments on this bill for a little later on today.

I do find it highly ironic that the member from Scarborough Centre, the parliamentary assistant to the minister, would take such a combative approach to my leader, whom he endorsed in 2003 and attended many events with. He at that time endorsed Mr. Tory's municipal policies and was quite pleased to stand there. If he wants to start talking about municipal governments and how to respect them, then he might want to take a page from my colleague in the New Democratic Party.

You weren't there when we sat through the Bill 51 hearings, as many of your other colleagues were, when many councillors from throughout the province were upset with section 23, which you did not remove. We have issues in the city of Ottawa, where the city of Ottawa is actually asking you to download municipal ICI waste diversion because you guys can't get it right.

And you're not getting this bill right either, because what you've decided to do with this bill is actually create more closed-door meetings. I don't think the people of Ontario want to see any more Liberal backroom deals. They don't want to see any more Liberal closed meetings. They don't want to see any more Liberal-friendly ad firms and Liberal-friendly groups getting contracts behind closed doors.

1640

The fact of the matter is that this is not a piece of legislation that should be coming forward at this time. It should have been coming forward a year ago or two years ago, not during municipal elections. This party is very irresponsible in doing it during municipal election time.

Obviously, I will expand upon my comments in another 40 minutes' time, and that's why I'd like to leave it at that for the time being.

**Mr. Lou Rinaldi (Northumberland):** It's great to rise and speak for a couple of minutes about this legislation. I'm not sure what the members on the other side of the House, when they were in municipal government, felt like under the previous regime. I remember the Rae days and the policy that the NDP government had. I was on council at that time.

*Interjection.*

**Mr. Rinaldi:** I was on council at that time. I remember the omnibus bill of the Harris government and how they dealt with municipalities. I remember that they were ready to introduce legislation that you have to have a referendum whenever you make a decision, and then they have the gall to talk about closed meetings. They have a real short memory.

As we move forward with this legislation, I know I've spoken to my colleagues who sit on municipal council



who do a great job. They're the ones who are closer to the ground. I have eight municipalities in my riding. I speak to them on a regular basis, and they have respect for this government when we're dealing with issues through AMO. We're the ones that introduced legislation—we have a memorandum of understanding. We don't make any decisions until we dialogue with AMO and the city of Toronto. How much more open can we be?

So it's galling to hear that we're creating secret deals somewhere. We're trying to provide a government that is open and accountable. There's only one taxpayer, regardless of what level of government they want to speak to. We should all speak the same language and in the same tone, and I think we're setting the pace to do that.

With that, I think we need to deal with this legislation so that municipalities have the freedom to be able to do the job that they're allowed to do.

**The Deputy Speaker:** Response? The Minister of Municipal Affairs and Housing.

**Hon. Mr. Gerretsen:** Let me first of all say once again that it's great to be back and getting involved in such stimulating debate as we have here today.

Just for the record, Bill 51 doesn't change anything with respect to Ontario Hydro projects. They've always been excluded under the Planning Act, as the members opposite well know. After all, I think everyone, even the opposition, surely wants to make sure that the lights are on in the province of Ontario. I know they're in the dark most of the time, but even they would like to see the lights on across this province.

This bill is all about bringing municipal government into the 21st century and getting them away from this old-fashioned notion that it's quite obvious that the two opposition parties are wedded to that they are creatures of the provincial government. Although they may still be under the provincial government from a constitutional viewpoint, we want to empower them and give them the autonomy to do what is best for their own communities. That's what this bill is all about.

Let me make it absolutely and fundamentally clear that we hope this bill has a good debate, that there will be a lot of other ideas that may be brought into the system. We are willing to look at any kind of amendment that will make this a better act so that municipalities will have greater empowerment and greater autonomy to do what is best for the people within their communities. That's to the benefit of us all.

So I look forward to an honest debate. When the conversation somehow gets sidetracked to Bill 51, I know that the opposition parties really do not have an awful lot to say about this bill. They agree with the general intent of this bill. We've basically gone through this bill already in most respects when we dealt with the City of Toronto Act. Many of those provisions are contained in this bill and this is for the good of municipal government across this province. The real benefit of this, the real winners of this will be the people in the different

communities of Ontario, because they will be better served by their local councils.

**The Deputy Speaker:** Further debate?

**Mr. Ernie Hardeman (Oxford):** It's a pleasure to rise to speak to this bill today, but before we start the debate on the bill, I'd like to make—I think they call it a political announcement. I'm sure the government is very concerned about not telling the truth.

As I was listening to question period, I noticed that a comment came from the Minister of Agriculture, something about how John Tory said that agriculture announcement was federal money. Of course, that wasn't true. What John Tory said was—and, incidentally, I was at the ploughing match with our leader, and I was there when he said that. In fact, what John Tory said was that this government has essentially been sitting on this money for months, and over the past three years they have completely turned their backs—

**The Deputy Speaker:** I think the preamble is referencing something totally different from what we're dealing with here. Really, we should start your remarks with Bill 130.

**Mr. Hardeman:** Thank you very much, Mr. Speaker, but I think it's very important, as we relate the issue to the bill, that what we're talking about is that this government will say anything to get elected, and I have real concerns that that's what a lot of the things in this bill are doing, that they're not going to implement it; in fact, they're going to just say it in order to start their election campaign for the next election. So I just wanted to finish with this to—

**The Deputy Speaker:** Will the member sit down? I think I've already asked you to deal with the bill at hand. There are opportunities for members' statements and questions in the Legislature, and I would like you to address the bill at hand. It's my obligation to ask you to do that.

**Mr. Hardeman:** Yes. Thank you very much, Mr. Speaker. I never said anything beyond what was in the bill in that sentence yet, but I take the comment seriously. I was going to, but I hadn't got to that yet. Obviously, you have a good sense for what will be coming.

Incidentally, I do want to get to the bill and say that when it came to consultation, the minister and the parliamentary assistant have been very adamant that they've consulted with everyone and that this is a bill that will be good for everyone, that this will be a great improvement on the present Municipal Act. And I'm not going to deny that I agree with a lot of the things that are in this bill that will make the Municipal Act better.

I did personally have the opportunity to spend two years consulting with the general population about the new Municipal Act, and the Municipal Act we presently have was the result of that. So I understand that there are a lot of different stakeholders and different interests involved in coming up with something as important as the Municipal Act.

I also want to say that not too long ago we passed the City of Toronto Act. At that time, originally it had been said that we were going to have the City of Toronto Act



and the new Municipal Act, or the revisions to the Municipal Act were going to come out at the same time, one to deal with the city of Toronto and the other to deal with the rest of the province.

Then when the City of Toronto Act came out, obviously there was no Municipal Act there. The government side then said that they were going to pass the City of Toronto Act and kind of have a look to see what happened with that. If it worked well, they would bring similar legislation to revise the Municipal Act. They were going to look at the effects of the City of Toronto Act to see whether that would work well for the rest of the province.

What was interesting from that was that the first reading of this bill, Bill 130, An Act to amend various Acts in relation to municipalities—in fact, it's primarily to revise the Municipal Act, but there are a number of other acts in there that are being changed. It was introduced three days prior to the completion of the City of Toronto Act. So in fact they did it at completely different times, but they didn't see whether the City of Toronto Act would work. They introduced the new reforms and assumed that they were going to be right. I suppose the reason they assumed it was going to be right was because, between second and third reading, they had so many changes that there was very little left of the original bill. So they thought, "Obviously, we've made so many changes that it must be right now. It couldn't be totally wrong twice in a row."

It's clear that they didn't wait for the introduction of the new Municipal Act amendments, waiting for the City of Toronto Act to take effect.

1650

As I mentioned, this is a rather large bill. It deals with a number of issues across the broad spectrum of other bills that affect municipalities. But I want to focus my comments on the areas of greatest concern to the constituents in my riding and to the people of the province. One of the problems we have with all municipal legislation—and, I think, with the government in a lot of areas with all the legislation—is that they do the consultation and they discuss it with their stakeholders but they don't discuss it with the people who will be impacted by those changes. In the Municipal Act, it's great to talk with municipal politicians—as was mentioned in the comments here, we have a little concern with the fact that the majority of the debate on this bill is going to take place during the municipal election campaign, so no one in the municipalities will have an opportunity or the time to look through it and bring forward constructive comments to improve the bill.

Having said that, the consultation with municipalities is one thing, but there's another side. The people of Ontario are the beneficiaries or the people who suffer detrimentally because of the changes that are being made, and I think it's important that we remember those people who are going to be impacted by it.

The other thing that's interesting is that, as I mentioned, the City of Toronto Act and these amendments

are quite similar. I asked the minister about the similarities, just subsequent to the introduction after first reading, and they are primarily the same, save and except for the act of taxing powers. We had a great debate during the City of Toronto Act about whether it was a good idea or a bad idea to allow the city to have greater taxing powers. At that time, we weren't aware whether that would be in for the other municipalities. As it turns out, I guess the province has decided that extra taxing powers are not a good thing, so they have not included it in all the others. So the question would be, why would this bill not have an amendment to change the City of Toronto Act to also remove it from the City of Toronto Act? Because if it's not good for the rest of the province, the question is, why would it be good for Toronto? It doesn't make sense that the people of Toronto are the only ones this government believes should be burdened with additional taxes on entertainment, tobacco and alcohol. That may be an issue for the council in Toronto, but I don't think the population, the people who live in Toronto, feel that they should be taxed any more than anyone else in Ontario.

Really, the question is, does the government believe that municipalities should have sales taxing powers or they shouldn't? Obviously, they should be consistent for all municipalities. I'm not sure why, if it's right for Toronto, it wouldn't be right for Ottawa, Hamilton, London and Mississauga. I know Hazel, the mayor of Mississauga, has said that she doesn't want the extra taxing powers. But then again she doesn't want Toronto to have those extra taxing powers either because she doesn't believe that sales tax is the answer to the municipal dilemma. What is needed is a review of the municipal services, and no one seems to be dealing with changes to the municipal services.

I know the Premier has announced that he's going to appoint a panel to look at the alignment of services, the distribution—what shall we call it?—the fiscal imbalance between the municipalities and the province. I'm sure no one in this Legislature or no one watching would not understand that there was a reason why he decided this study should take 18 months. Of course that's because it will be beyond October 2007, which is the next election.

Having said that, there is nothing that hasn't been studied a number of times as it relates to the provincial-municipal relationships and service delivery. It has been continually studied for the last six or seven years. I can assure you that, as recently as last year, the municipalities, AMO, came forward with numbers that showed how much money was required in order to balance that fiscal imbalance.

I would think that the province could get together with the municipalities and with all the people involved and discuss, without doing an 18-month study, and decide, if we agree that there is an inappropriate level of service being delivered for the taxes able to be raised in municipalities, how much that would be, and then transfer the money from the province to the municipalities. That, in my mind, should not take 18 months.



I think we'll just leave that one for a moment, and we want to talk about the government. The minister introduced this bill last June. He talked about how it will create more accountability and transparency. However, when you get to the details of the act, we find that the actual opposite is true. For instance, the act gives municipalities the ability to appoint an investigator, an ombudsman, and I support the idea of a municipal investigator. However, the plan to create that position, as outlined in this bill, is flawed. In fact, our provincial Ombudsman said, "While purporting to introduce a degree of accountability into municipal administration, this bill will result in an unfair, inequitable and unsustainable patchwork of quasi-oversight measures throughout Ontario." That's from our Ombudsman for the province of Ontario, and he said that on June 19, 2006.

The big problem with it, I think in his mind, is the fact that the bill doesn't mandate that municipalities must appoint the ombudsman; it just gives them the right to, the ability to. I have great respect for the municipal politicians in this province, but I think we have to ask ourselves: Who is more likely to choose not to have an ombudsman? The council that is doing well, where the constituents are happy with their representation, or the council that is doing badly? I don't think that's a very difficult question to answer. If there's a problem with governance, the people who are doing the governing are not likely to appoint an ombudsman. Secondly, if they are liable to appoint an ombudsman, it is unlikely that they will appoint someone who will become critical of them as they do the job. So if the choice of picking the ombudsman is left up to the municipalities, then Ontarians who need the ombudsman the most to ensure good local government are the ones who will end up without that protection.

The Ombudsman also said, speaking to Bill 130: "It's a piece of legislation that exploits the goodwill associated with the term 'Ombudsman,' yet doesn't deliver on any of the basic tenets.... They are making it appear as a very credible, substantial step forward when it borders on fraud." I think it is a very, very scathing statement to the government to have the Ombudsman of the province of Ontario say that this piece of legislation, as it relates to the appointment of Ombudsmen—to say that it's about accountability and transparency, and he says, "It borders on fraud." I think that the government should immediately say, "We will withdraw that section of the bill because we don't think that the people of Ontario should have to even debate that type of legislation when the independent Ombudsman comes up with those concerns."

His concern is that in municipalities that appoint an ombudsman, those people no longer have the ability to go to the Ontario Ombudsman. For those that don't appoint one, if the ratepayers in those communities have a problem, they can go to the Ontario Ombudsman, where they would be heard by an impartial third party and the issue would be dealt with. So he says that where the real concerns are will never get to the appropriate ombudsman authority in order to have a proper investi-

gation. They will be investigated by the council themselves. Everywhere else in our society where we have that people who investigate another body, such as in police oversight, we have an impartial third party that does that. In this case they would be appointed directly by the council, and in turn those ratepayers would not be able to appeal to the Ontario Ombudsman. The Ombudsman says, "How could the Ombudsman that was appointed by council actually be accountable and transparent if they have a fear of losing the job if they do any real investigating?"

**1700**

Again, the main thrust of this bill was supposed to be transparency and accountability, but it seems unclear how having more meetings closed to the public would increase accountability and transparency. Bill 130 would allow councils to close meetings to the public "if, at the meeting, no member of the council ... discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council...." It sounds kind of confusing to me, but that's the way it's written in the bill. I guess what that means is, providing council says that when they're going into the council meeting they're not going to discuss anything but the Saturday night hockey game, they can have a closed meeting, but if they are going to have a discussion as to who waged on which team, that would have to be in open council, because that's going to further the discussion because somebody would have to pay up.

It points out that there is no way of telling what now could go behind closed doors, because right now, in the present Municipal Act, it must be legal and personnel matters. That's it. This one here says that they can go for anything as long as it doesn't further the business of council. When I asked the ministry about that, they said that it's also changed so that they must keep minutes of the council meeting even though it's in the legal and personnel. I stand to be corrected, but I think in the Municipal Act it presently states that the duty of the clerk is to record the actions of council "without note or comment." Since they cannot vote in camera, behind closed doors, there is no action of council that is taking place behind closed doors. So in fact, we have the behind-closed-doors discussions and then they come out, and the minutes record, "We went in, we talked and we came out." That's all the minutes say, because the clerk cannot have note or comment; they can only record council's decisions. So they come out and they vote, and no one knows what discussion took place. I don't know how this could possibly be considered more transparency and more accountability.

The Kingston Whig-Standard said—this is interesting, because of course we all know the minister represents the Kingston area, Kingston and the Islands—"If council is open and accountable, then having another right to close meetings to the public is not necessary."

There is nothing about this that serves the needs of the members of the public or the average taxpayer. How can members of the public make an educated decision at



election time? I think this is very important. How can they make an educated decision at election time if they have no idea who said what in the debate leading up to a council decision? How can having closed-door meetings make municipalities more accountable and transparent? It just doesn't make sense. In fact, the Ontario director of the Canadian Taxpayers Federation called it "a poor transparency decision."

Another area that I have a problem with as it relates to accountability and transparency is allowing council to delegate authority. They can delegate it to commissions and boards; they can delegate it to an authority or a board that is only 50% appointed by the municipalities. That means there are certain things that they're restricted on, but it means they can delegate their decision and they can promise to do something—council can promise during an election campaign that they're going to do this, this and this, and they appoint that action to a local board and never have to be accountable for that again. Recognizing that the board they gave it to could be 50% non-elected people, how are the people, the ratepayers, supposed to hold those people accountable? I don't think they can. If all the difficult decisions are delegated to a non-elected board, how do the voters know what councillors believe? Again, I think that becomes important.

The public has the right to hear this debate on this bill. When this bill goes to a vote for second reading, I don't think there's anyone in this House who isn't quite sure what the result of that vote will be, but that doesn't take away the need to have a public debate to put forward both sides of the issue to make sure that the public understands what the impact of that bill will be.

This bill allows municipalities—and I'm not suggesting that the majority of municipalities are going to do it—to take a lot of that debate out of the public domain, and I don't believe that is a positive for accountable and transparent municipal government.

The Liberals across the floor may not think that it's important to be able to keep an election promise, but our municipal councils are full of people who are running because they want to represent people, to do a good job and to keep their word. I think it's important that the debate is in public, because sometimes your word is opposite to the decision of full council. I think those councillors have a right to that debate to be in public, even though they're not in the majority of council and the majority have decided to do it behind closed doors. They have a right for the public to know how they felt about it and what their position was on it. Again, I think that takes away from the accountability by doing that.

Councillor Lorraine Aelick, a councillor in St. Joseph township, said, "To me, this is handing the responsibility of council on. I think that's what elected people are there to do, and to delegate these responsibilities on to someone else is not good." This is a local councillor. It was quoted in the Sault Ste. Marie Star. I have to agree with her. I believe that we have some great men and women on municipal council in this province, and if you give them the right tools, they want to do their job and they do

not want to hand it off. Councillors do not want to have the majority vote and allow it to hand their responsibilities off to someone else. So I think it's important that every councillor has a right to be heard and that they also can stay involved in the decisions they were elected to make.

I'm not as well versed as I should be on it. I haven't looked to see whether, in fact, the council could actually allocate road decisions to a roads board that was 50% non-elected people, and then councillors could no longer make a decision based on where the work on the roads was going to take place. Again, I'm just saying that hypothetically this could happen. I don't envision any municipality doing that. At the same time, I think it's important to point out as an example what could be done because the legislation is written this way, and I think it's important that that legislation would be changed to read differently so that wasn't a possibility, so that when someone runs for—I should clarify that. People don't run for things. Dogs run for things. People stand for office. So when someone stands for office in a local municipality, I think they have a right, when they get there, to be able to personally be involved in the decision-making that they were elected to do.

The next one is the issue of licensing. Again, we have a lot of debate in the City of Toronto Act about the power to license and what could be licensed and what couldn't be licensed. The transferring of minor powers in the act: It says they can delegate the power to issue and impose conditions on licences. To a small business in a municipality, they don't think that putting conditions on and licensing their business that didn't require a licence before is a small issue. I think that type of issue, they would expect, would be debated and passed and approved by the majority members of council, not by a local board appointed by a council not knowing what that council was going to decide. So I think it becomes important that they have a right to go to council and put their position forward to the elected officials as to what's appropriate.

The issue of licensing goes even deeper. There are a lot of challenges. The business in this act—and this is a business that could be licensed—is defined as "any business wholly or partly carried on within a municipality, even if the business is being carried on from a location outside the municipality." So it's quite possible that a business in one community would have to have licences in a number of communities just to do business there. If they had a warehouse there, it's possible that the municipality could also license the warehouse or that part of the business. People would not necessarily know what licence was required, and the cost of the licence could vary in every community.

1710

If you go even further, the act also allows municipalities to require a licence for "the display of samples, patterns or specimens of goods for the purpose of sale" and "the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader."



To me, that looks like we're going to set up a great big bureaucracy in municipalities to try to find a way to license everything that walks. Of course, I know licences are not taxes, but it's just another form of payment that the taxpayer must make to the municipality. I think most people would understand that to be the same as a tax.

The question really becomes, the way it's written: I might need a licence to hold a garage sale on my lawn. That, to me, just doesn't make sense. In fact, there is nothing that would inhibit the municipalities from making that decision, that all lawn sales must be licensed.

I just say, at best, this is a tax grab; at worst, it's a layer of bureaucracy that's going to stifle businesses and kill jobs. Obviously, it's not going to kill many jobs as I no longer can hold my yard sale, but it is definitely going to hurt small business as it tries to do business in a number of communities.

Another area that I wanted to touch on, and the minister mentioned it in his comments, was about the Line Fences Act—the issue as it relates to abandoned railroads' rights-of-way. Presently, the Line Fences Act says that the railroad that owns the right-of-way, or any subsequent buyer, is obligated to provide fencing on both sides of the right-of-way. When the railroad is abandoned, the railroad has the obligation to offer for sale the right-of-way, first to municipalities if they wish to purchase it. The second one: If the municipalities decide they do not want it, then next they must offer it to the adjoining property owners.

Mr. Speaker, you would know, having been on municipal council for quite a number of years, that the property owners would generally—at least some of them—purchase it and just add it to their farms on both sides. Of course, if some of them do that, then it's obviously no longer accessible for trails, snowmobile trails, wildlife corridors and so forth, so in a lot of cases the municipality purchases the right-of-way and then sells it, donates it or lets snowmobile organizations or others use it for their purposes.

The people along the right-of-way, when they purchased their property and ever since they've had their property, have been assured that as long as they didn't get it back, somebody would be responsible to keep the fences up on both sides.

Now the minister says, "We have consulted with the people. The municipalities like this and the farmers like it, because the farmers are going to stay with the status quo." I agree with them. I would like that, too.

The challenge comes up: The people who are not in agriculture anymore today are also eligible for fencing on both sides to keep them out of their parking lot, or wherever this right-of-way is going through. With this amendment, they're saying, "No, you no longer get the fencing to divide that railroad property from your property. You have to help pay for that."

When I asked the ministry whether they had actually consulted with any of those people who would be negatively impacted, no one could tell me that that had happened. I think it's very important that we don't talk

just to the people who are going to be positively impacted by the amendment, but we should also talk to the people who are going to be negatively impacted, so they know that this is happening.

That's why I think this type of debate is so important, to make sure you point out some of these shortcomings in the legislation, so everyone can be here and at the committee, at the hearings, to point out their concern with it. Again, we're doing it at a rather odd time of year for that concern to be totally addressed.

I think there are an awful lot of people along the railroad right-of-way who purchased property who do not use it for agriculture but still have a need to divide it. Particularly if it's going to be used for a recreational area, they want to keep the two uses separated. Somebody mentioned to me: What if it's going through the town and there's a residential area? These people don't want the recreational vehicles to be able to go on their back lawn, and yet this says that if you want that fence fixed, you have to pay half of it because the municipality now owns it. If the railroad still owned it, they would just call up and say, "Your fence is letting people through. You have to fix the fence," and they would get that done.

The other thing that this bill has bit of a problem with is that the minister tells us that it's going to give a lot more authority, ability and tools to municipalities, but in almost every case, where it improves the ability to get things done by municipalities, there is a regulation-making authority in that part of the bill that allows the minister to supersede the municipal decision through regulation. If the minister can still change their decisions, that's really not giving them authority; that's just giving them a lot more responsibility, with no extra authority. At the same time, it's likely going to increase their liability or their costs a lot. In this bill, there's absolutely nothing that would increase their revenues, because they have taken that part out of the City of Toronto Act here.

The last item I wanted to talk on is the strong mayor or the mayor's—what shall we say?—job description right in the bill. The minister says that he believes municipal governments are mature and accountable. But how much does he trust them if he feels it's necessary to give the mayors a list of duties that they must do? The act doesn't say "may" do; it says "shall" do, and there's a big difference.

I think the mayors of Ontario are good people who work hard, so I don't believe that the province needs to tell them how to do their job, especially when the province thinks that one of their top responsibilities is to promote their communities internationally. I'm sure all the mayors in our small towns in Ontario will enjoy the international travel that they are being required to take. Perhaps they could ask the Minister of Energy for advice on international travel. Maybe the Liberal government is trying to make the provincial expenses look more reasonable by asking municipalities to spend large amounts of money on travel. Again, it says that they must promote their municipality internationally. It doesn't say "may"; it says "shall." They use the word "shall." So I'm going to assume that if they don't do it, the ombudsman that they



were appointed could investigate that and say, "Mr. Mayor or Madam Mayor, you're not doing your job. You haven't been anywhere in the last two years. You'd better buy a ticket, do a little travelling, because you haven't promoted your municipality and that is part of your job."

There are a number of other things that are very prescriptive in what the mayor must do. I think if the word "shall" was changed to "may," then all of it would start to make some sense. Maybe that was the intent. Maybe it was a misprint. We'll hope that as it goes to committee the government will look at that and change that, that those are responsibilities that the mayor may take on, but I don't think it should say that the mayor shall take them on.

These are just a few of the examples of where I think this government is failing to address the concerns of municipalities, organizations and the people of Ontario. Again, I think it's very important to point out the people of Ontario. That's what this is all about. It's not about making councils happy; it's not about giving councils more authority; it's about how we can best govern and ensure governance for the people. If we want to give total carte blanche to municipalities to say, "You are directly elected by the people, you are the most representative of the people because you are closest to the people for elections," why do we need a Municipal Act at all? Why do we not just let them do what it is they do? "This is what you're responsible for; go to it." The government believes there are certain guidelines that we need to put in place to protect or to facilitate the orderly operation of municipalities and, secondly, to make sure that the people in the municipalities are protected when they are not getting a fair deal.

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I look forward to continuing debate and working to make sure that this bill addresses the real needs of municipalities but, more importantly, of the people of Ontario.

I do want to share part of my leadoff time with the member from Nepean-Carleton. With that, I thank you very much for your time and turn it over to the member from Nepean-Carleton to finish off.

**Ms. MacLeod:** The member from Oxford brings together some very valid points. Having discussed this legislation with him, I know that our concerns are very similar.

One thing that we're very concerned with is the Liberals introducing this legislation that's going to have long-lasting effects on every municipality in Ontario at a time when most municipal politicians are out ordering signs, securing office space and knocking on doors. Many people here will recall that this legislation was introduced on a sleepy day in June about three months ago. The Dalton McGuinty Liberals are asking the people of Ontario to decide which municipal politicians to vote for at this time for a four-year period, which they snuck in through schedule H of the budget bill. Our electorate is actually not going to know what the jobs of municipal politicians will be because this bill won't see its final form for quite some time.

Aspiring politicians like Rob Burton in Oakville, John Blair in Scarborough Southwest and J.P. Dorion in the city of Ottawa are all running because they love their cities and their homes, yet the McGuinty Liberals do not want to give the duly elected councillors and mayors, or future councillors and mayors, a direct decision on what this bill will mean to them.

I want to say at the outset that the Ontario PC caucus recognizes that Ontario municipalities are facing some unique challenges, but this government has said anything and will do anything just to get elected, and this bill is just another example of that. It's a bill that doesn't solve the main issues facing municipalities, nor does it live up to the high expectations the minister has set for it.

It's because of the unique challenges of Ontario's municipalities that John Tory and our PC caucus have called for a review of how municipal services are delivered and how they are paid for. Unlike the McGuinty government, we believe that municipalities should not have to wait until the next election before work begins on striking a better fiscal balance between the province and Ontario's 400 and some municipalities.

We suggest that the logic of addressing the challenges of municipalities in this way is piecemeal. Why not address the fiscal challenges at the same time as those addressed in this bill? That includes, as well, the logic behind sneaking in four-year terms when the taxpayers and the voters weren't looking.

There are a few key issues that I'd like to talk about today. I'll talk about them briefly and then I'll expound upon them later.

One concern that we on this side have is the new secret, in-camera meetings. Council meetings will be allowed to be go in camera as long as the discussions or the decisions do not advance decision-making. Some see this, and we certainly do, as a weakening of the transparency and accountability of city councils.

We are also concerned about another layer of decision-makers. The proposed legislation would allow for the creation of community councils which can make decisions on such things as snow plowing and garbage collection. These representatives would not necessarily be elected. This could actually be another weakening of accountability at the municipal level.

There's an optional ombudsman, an optional investigator. Currently, the Ontario Ombudsman is unsatisfied with the proposed changes surrounding oversight, calling those changes bordering on fraud. Due to the vague nature of the provisions and the option for municipalities to opt out, the Ombudsman feels that these changes are meaningless.

We're concerned about extension of bar hours. In large cities like mine, the city of Ottawa, there can be a potential for later nights in downtown cores. Many municipalities are worried about the noise levels and disturbances.

The setting of speed limits: With the new power to set speed limits not exceeding 100 kilometres an hour, people in large cities where there are main thoroughways are concerned that we might see 99 kilometres an hour on



city roads. We will see large shifts in limits between communities; for example, 75 in Whitby to 45 in Ajax.

We're concerned about decision-making. Bill 130 continues to allow the province to circumvent a municipality's decision through regulation, or the province can veto any municipal bylaw if it sees fit, such as in section 51. These options available to the province leave municipalities feeling very much like a junior partner, not a senior partner.

With respect to the timelines of this legislation, as I mentioned, it was introduced on a lazy day in June when most people were trying to get out of here. Right now, we are going through municipal elections across Ontario, yet certain provisions—for example, the appointment of investigators to deal with closed-meeting complaints—will be impossible to meet by the January 2007 deadline. Most of our municipal councils won't be ready to meet until mid-December. That is unrealistic and overly arduous for municipalities, considering that this is an election year.

Business licensing is another concern. We're concerned that the provisions around business licensing will cause hardships for small businesses. For example, it is possible that a business would have to get multiple licences to serve different communities or that a family would have to get municipal business licences before they conduct a yard sale.

In my community in the city of Ottawa, which is the largest agricultural city in Canada, we have an issue where we need some scalable bylaw licensing. So in a certain way, this provision may be helpful, but there is a sense of cautiousness that I have in endorsing this.

The final concern is something Mr. Hardeman talked about, which was the mayor's junket. As a portion of the section relating to new powers of heads of council, it states that mayors "shall" promote their communities internationally. We're concerned that we might be forcing mayors of small towns like Smiths Falls to budget for Dwight-Duncan-style European junkets.

The Liberals, in their 2003 platform, made no mention of amending the Municipal Act, yet the PC record on this has been solid. The first comprehensive overhaul of Ontario's municipal legislation in 150 years occurred with the passage of the 2001 Municipal Act. The act gave municipalities broad new flexibility to deal with local circumstances and to react quickly to local economic or social changes while promoting strong accountability to taxpayers.

Just before I focus more on the ombudsman and the investigator, I'd like to talk a little bit about the municipal review which was announced at the AMO conference. I apologize for my voice; I have a very early fall cold. I think it's interesting that the government has decided to take action on the new Municipal Act while they are still dragging their feet on giving municipalities the resources they need. Every time the government passes new legislation that affects municipalities, it adds to the burden that they are already facing. I've spoken to many city councillors from across the province at the

AMO conference, and they were hopeful that this municipal review would have taken effect prior to the 2008 deadline. The cost of delivering local services is increasing, and the Liberal government just keeps adding more expenses and adding to the responsibilities instead of giving them real help. The Liberal proposal to study the problem for 18 months so they can get through the next election without having to deliver real help to municipalities and ratepayers is unacceptable, and it's certainly something we're not supportive of in my community.

I'd like to talk a little bit about the ombudsman/investigator. This is a real concern that was brought up by the Ontario Ombudsman, André Marin. The act gives municipalities the ability to appoint an investigator/ombudsman, and I obviously support this idea, as do I an auditor general in the city of Ottawa, which we passed several years ago. However, I think the plan to create the position as outlined in the bill is fatally flawed. In fact, our Provincial Auditor said, "While purporting to introduce a degree of accountability into municipal administration, this bill will result in an unfair, inequitable and unsustainable patchwork of quasi-oversight measures throughout Ontario." The auditor also said, "It is a piece of legislation that exploits the goodwill associated with the term 'ombudsman,' yet doesn't deliver on any of the basic tenets. They are making it appear as a very credible, substantial step forward when it borders on fraud."

First, under this bill, it is not a requirement that municipalities have an ombudsman. I have great respect for the municipal politicians in this province, but I think we have to ask ourselves: Who is more likely to choose not to have an ombudsman—the council that is doing well, where the constituents are happy with their representation, or the council that is doing poorly? If the need to have an ombudsman is left up to the municipalities, then Ontarians who need the ombudsman most to ensure good local government are the ones who will end up without that protection.

The Ombudsman's concern is that the investigator or ombudsman, if the municipality chooses to have one, is appointed by the council. How can anyone do a good job of investigating the people who appointed them to their job? It almost sounds like the Integrity Commissioner who was appointed under Jean Chrétien. How can any member of the public have confidence that the ombudsman is there to hear their concerns and investigate if they are appointed by the council they are investigating? Under the current draft of the bill, the ombudsman could even be an existing employee of the municipality, reporting directly to a department that he or she may be called upon to investigate.

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I just have one more quote from the Ombudsman:

"The citizens of Ontario deserve to have a strong, credible and independent oversight body with full investigative powers, to ensure compliance with public meeting requirements as well as to deal with general complaints about municipal matters affecting them."



"As Bill 130 is currently drafted, the Ombudsman's office would act solely as a default for investigation of complaints about a municipality's failure to hold public meetings. In lieu of the Ombudsman, municipalities are given the power to appoint an internal investigator to address such complaints, thereby ousting the Ombudsman's authority. Municipalities could even appoint one of their own employees," as we've just mentioned, "to do the job, something that completely defies the basic tenets of oversight."

Mr. Speaker, as you can see, there are severe concerns from Ontario's Ombudsman, even as we speak, that this piece of legislation may not be as fair and impartial as the government would portend.

In terms of closed meetings, I touched on that earlier. That's a concern for us on this side. Bill 31 would allow councils to close meetings to the public "if, at the meeting, no member of the council ... discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council ..." I'm unclear as to the intent of this change. Does this mean they can discuss council business as long as it isn't a productive session or that the council can go in camera to discuss last night's television show?

What really concerns me about this is that important details of public debate will be kept from the public. Imagine: Here today, people at home are able to watch us. They don't have to agree with us, they don't have to respect where we're coming from, but at least they know our side of the debate and why certain parties support legislation and certain parties don't. I believe that gives the electorate valuable information before they make critical choices on who their representatives are.

There's nothing about this that serves the needs of the members of the public or the average taxpayer. How can members of the public make an educated decision at election time if they don't know who said what or how a decision was made? How can having closed-door meetings make municipalities more accountable or transparent? To me, it simply does not make sense. As the Kingston Whig-Standard said, "If council is open and accountable, then having another right to close meetings to the public is not necessary." Neil Desai, the Ontario director of the Canadian Taxpayers Federation, called it "a poor transparency decision," and I have to echo that.

Another cause of concern for me is delegating authority. Another way this bill takes away accountability and transparency is by allowing council to delegate their authority and responsibility to people whom the council appoints or who are employed by the municipality. They can even delegate authority to a board that is only 50% appointed by the municipality. This means elected officials can actually delegate matters of their municipality that are important to the electorate to unelected and unaccountable taxpayers. I almost wonder, do the people of Ontario know that's happening right now? Are they going to be included in the series of consultations we are about to embark upon? If all those difficult decisions are delegated to an unelected board,

how do voters know what councillors believe? A councillor can make a promise at election time and then claim they couldn't keep their promise because the power to make it happen had been delegated to an appointed board.

I know there are Liberals across the floor who may not think it is important to be able to keep an election promise, but they couldn't keep their promise because they would say anything and do anything to get elected, and I don't think many of our municipal councillors are like that. They are good people who believe in their communities. They believe in safer streets and self-reliance and strong families. St. Joseph township's Lorraine Aelick, a city councillor, said to me, "That is handing the responsibility of council on, and I think that's what elected people are there to do, not to delegate those responsibilities on to someone else." I have to say I agree with her, as an elected official myself. I believe it's us, the men and the women who are elected to serve at any level of government, who should be given the right tools to do our jobs properly, not behind closed doors and not through our delegated authorities.

Just one final note on business licences: I've already heard from my constituents and stakeholders alike who are concerned that industries which are already highly regulated by this government will now have another layer of regulation and red tape. Business in this act is defined as "any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality." That means that a business that delivers outside of the municipality where it is located might need a business licence from more than one municipality to operate. This act also allows municipalities to require licences for "the display of samples, patterns or specimens of goods for the purpose of sale" and "the sale ... of goods or services on an intermittent or one-time basis and the activities of a transient trader." The way this is written, I might need a licence to hold a garage sale on my own front lawn, and that just doesn't make sense. This is a tax grab and, at worst, it's another layer of bureaucracy that is going to stifle businesses and kill jobs.

So, Mr. Speaker, I have about eight minutes left. I don't think I'm going to finish my time. I don't think my voice will hold out. But there are some critical issues that need to be addressed in this bill. I find it highly unfortunate that it is occurring at a time when our municipal councillors and our electorate, the people who have most at stake with this bill, are otherwise occupied. They're working right now in their communities to get elected; they're working in their communities to find the best candidates possible to run their municipalities for the next four years. Right now, they want to talk about how to make their lives and their communities better. They don't want to be talking about a municipal act, quite frankly, that should have appeared before us three or four years ago.

On that note I'll conclude, and I look forward to participating in committee hearings and improving this piece of legislation. Thank you, sir.



**The Deputy Speaker:** Questions and comments?

**Mr. Prue:** It is always a pleasure to listen to the members from Oxford and Nepean–Carleton. In the two minutes I have—they spoke on so many issues, but I do want to zero in and echo the concerns they raised about the ombudsman and what the Ombudsman has had to say about this particular bill, particularly. To use the Ombudsman's own words, it "defies the basic tenets of ... oversight."

We know that Mr. Marin has done an excellent job in everything that he's touched since being appointed to that position. You only have to watch the positions that he has taken, the way that he deals with government, the way he gets actions, the way he is followed by the press, to understand that he has the very best of intentions when it's dealing with the citizenry of this province. One has to take his cautions to heart. One has to see that the section whereby the municipalities can appoint one of their own, can appoint someone who is on the payroll, can appoint someone to be the person with the oversight, may indeed be seriously flawed. I would take Mr. Marin's point to be based in some strong sense of logic, some strong sense of law.

The members who spoke to this spoke to it quite eloquently. They brought out parts of the difficulty in the investigations that take place. Right now, I have to say that the situation is not much better. I know what the government is trying to do, but this is something that needs to be looked at, and hopefully will be looked at in committee. Right now, it is the councils themselves who investigate themselves, and if ever there was a system that doesn't work, clearly that is the one. I hope to be able to expand on that when it is my own turn to speak, about councils and the failure to investigate one of their own, usually to close ranks around one of their own who finds himself or herself in trouble. Quite clearly, it is important that a real ombudsperson be appointed, but not so much one that is under the control of the municipal council.

**The Deputy Speaker:** Questions and comments? The member for Chatham–Kent–Middlesex.

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** Lambton–Kent–Middlesex. I didn't get Chatham just yet.

**The Deputy Speaker:** It's been a long summer.  
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**Mrs. Van Bommel:** Thank you very much, Speaker. I certainly listened with great interest to the comments of both the members from Nepean–Carleton and Oxford. I found it quite amazing, actually, to hear the member from Nepean–Carleton talk about adding burden, because I was certainly on municipal council in the years when the Conservative government amalgamated and downloaded, and that was adding burden. There was certainly nothing revenue-neutral about the things that happened in those days, and it was always told to us that that would be the case.

We had the community reinvestment fund, which was supposed to create that revenue neutrality. It never

happened. As a matter of fact, it was such a fiasco that, as a government, we had to come forward with the Ontario municipal partnership fund. In the last year, we've put \$763 million into Ontario municipalities because there is no such thing as revenue neutrality at the municipal level. It's a very difficult thing to make sure that you provide all the services, especially services that were downloaded in those days.

I also found it very interesting to hear the comments about community councils, because I know, as a municipal councillor, we have had for many years our committee of adjustment. A committee of adjustment is made up of both elected and non-elected people; it depends on the council as to how they want to handle that. Ultimately, the decisions and the recommendations that come forward from those committees are still up to the municipality to deal with. Municipal elected councillors are the ones who make that final decision. So I am very confident that community councils will be able to do the work they're appointed to do.

I also listened with interest to the comments about the Line Fences Act. I certainly hope to have an opportunity to speak to that further too.

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to add some comments to the speech from the members from Oxford and Nepean–Carleton. I was just listening to a CBC radio clip from northwestern Ontario, from Thunder Bay, which had a number of municipal mayors who attended the conference talking about their relationship with the government. It's very illustrative of the "say anything, promise anything to get elected" McGuinty government.

Some of these quotes were pretty strong. The mayors were Dave Canfield from Kenora, Lynn Peterson from Thunder Bay, Anne Krassilowsky from Dryden and Michael Power from Greenstone. Michael Power goes on—this is a direct quote—"If you do not, Dalton McGuinty, government of Ontario, step up to the plate now and put in place the promises you have given us, I swear by all that is holy that there will not be a Liberal elected in northern Ontario—not one."

That's pretty strong language. They had five minutes of quotes, talking about the commitments that have been made by the Liberal government to do with the forestry sector and the thousands of job losses there have not been acted on. He talks about how the Minister of Energy goes to Sudbury to make an announcement on energy policy, and he paraphrases and says, "Too bad, so sad; turn down your thermostat, put a blanket around you, drink some good red wine and cuddle up with somebody you like." That was what the Minister of Energy said in Sudbury when he made his announcement. And they go on.

Another one of the mayors says, "It appears that nobody cares and nobody wants to listen and nobody is willing to step forward to the plate, and all we keep hearing is, 'Soon, soon, soon.' It means more delay and more mill closures." That's what the mayors in northwestern Ontario are saying about the current government and the sort of treatment they're getting from this current government.



**Mrs. Carol Mitchell (Huron-Bruce):** I rise in support of Bill 130, but I also want to add my comments about the members from Nepean-Carleton and Oxford. I know it is very difficult for the other side to understand this, but clearly the McGuinty government understands municipal governments are mature, they are accountable and the system that they need is one that will meet their communities' needs. I know, coming from a municipal background—the downloading has been mentioned, but I remember just about three days prior to Christmas the joke in the municipal world was, you had to use water on the fax machines. The paper was coming through so fast that they were downloading so much that we had to pour pails of water on the fax machines so they didn't catch fire. That's how much notification was coming through.

When we talk about a bill that recognizes and gives the tools to municipalities to move forward, I know it's very difficult for that side to understand the level of maturity that our municipal governments have reached.

I tell you that this bill will go on to committee, and we know that many things will be discussed, as has been mentioned by other members. We will look forward to that opportunity.

I want the House to recognize that I do support Bill 130, and I do hope that the other side of the House will someday be able to trust our municipal governments, our partners.

**The Deputy Speaker:** Response?

**Ms. MacLeod:** I'd like to thank the member for Beaches-East York; the member from Lambton-Kent-Middlesex, whom I want to congratulate on being a grandparent for the 10th time—I think that's wonderful; my colleague from Parry Sound-Muskoka; and my friend from Huron-Bruce.

In terms of the comments, there were a couple of things that I think need to be addressed here. They're talking on the other side about all the downloading that happened in the past. I don't see any evidence on the other side of this House that they're going to upload anything.

They've got empty promises over there, or broken promises, or, "Let's say anything to get elected." What I'm wholly amused at right now is the fact that they've made a promise to the people of Ontario to take two things off the shelf until after the next election—property assessments and the municipal review—because they're too afraid to do anything. They'll say anything to get elected and they'll make any promise to get elected, and then they won't keep it. The words "follow through" mean nothing to them. To keep a commitment is very important.

In the next year, as we move toward October 4, I think we're going to see a lot of things coming from the other side. I've heard the tone in the debate tonight. It's completely in the gutter.

*Interjections.*

**Ms. MacLeod:** I barely have a voice, but they can hear me, thankfully.

In the last 25 seconds that I have, I'll just say that there's an issue in the city of Ottawa, and if you want to

put your money where your mouth is, then you'll work with our city council, you'll start to meet those ICI waste diversion targets that you promised you would with the city of Ottawa, and you won't continue to break your promise or continue with your inaction on ICI waste diversion. Right now, the councillors in the city of Ottawa are asking for an upload, if you can believe it, because of your inaction.

**The Deputy Speaker:** Further debate? The member for Beaches-East York.

*Applause.*

**Mr. Prue:** Thank you for the applause. I hope you're still applauding 12 minutes from now, because the dubious distinction that I often have, being from the third party, is that I begin my speech and I end it on some other day. I call it the bifurcation process: Do a little bit now and do the rest tomorrow or whenever it gets called back again. But today, for the 11 or 12 minutes that I have, I'd just like to talk about the process and what's happening here.

This is but one bill in a whole bunch of bills. There was the City of Toronto Act. There's this act, Bill 130. There's Bill 51. The minister started off his own statement by saying that there's going to be a municipal service review that has been undertaken by the government, which is but another bill and another set of policies. I guess they're all going to come together at some point.

The member from Huron-Bruce made a statement—and I don't know whether she was trying to include me or just the members of the official opposition—that she hoped that one day people on this side of the House could support municipalities. With the greatest of respect, I think that the members of my party and myself particularly have spent a long time arguing about the mature level of municipal governments. In fact, we took an unprecedented step for us. We even—much, I think, some days, to my chagrin—voted for your bill on the City of Toronto Act. We did so because we had faith that the government of Ontario was moving in the right direction vis-à-vis the people who live in Toronto and the whole process of government in that city. It is a huge and very complex government, the city of Toronto. There are 2.5 million people. The budget of the city of Toronto is bigger than that of six of the 10 provinces in this country. The number of politicians there is almost as large as one might find in New Brunswick, located just on a municipal council. And we have to understand that what is happening in municipalities across this province, and indeed around the world, is very different from what municipalities did 20, 30 or 40 years ago.

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It is no longer appropriate for anyone to consider municipalities as being creatures of the province. They are a mature form of government able to make their own decisions. Would that this bill had gone even further, I want to tell you, because I have confidence, at least insofar as the larger municipalities go in this province, that they have the wherewithal, the strength, the financial resolution. They have lawyers and they have accountants to be able to do what is right for their municipality.



I would acknowledge, and we all need to know, that there are a number of small municipalities in the province of 1,000 or 2,000 people that do not have that kind of clout, that do not have that kind of expertise and may never have that kind of expertise, and it is for them that I'm really looking to the bill. But in terms of the larger municipalities, it's quite clear to me that they can and should be allowed to do literally almost anything they want to do, provided their taxpayers accept it and provided it does not harm other municipal jurisdictions and/or the province.

This government started off the whole debate some time ago with a statement. I'd like to read it into the record, because this is the statement whereby all of your bills have flowed, including this one. The government started out with your stated objective, and I quote you: "Our goal is to give municipal governments the respect they deserve and the tools and instruments they need to meet the challenges of today's competitive economy." That's the end of the quote. That's where you're supposed to start from. Hopefully, that's what the bills are supposed to deliver.

We've heard this language before. We heard this same kind of language being used in the whole debate around the City of Toronto Act. We also, unfortunately, have seen actions that belie that respect. We have seen actions in my own municipality and in my own riding and in the adjacent riding of Toronto-Danforth where this government used and said those kinds of things and then turned around and forced the Portlands energy project on an unwilling community, on unwilling neighbourhoods, on an unwilling city council, on an unwilling mayor, on an unwilling group of people who are charged with promoting the interests of the harbour and of the port lands, and against all the wishes and dreams of the people of our city to develop the port lands into some kind of heritage site, into some kind of tourist destination, into a magical place of fountains and grass and shows and places where people can go and really feel proud of their city.

You have forced the Portlands Energy Centre, a mega gas plant, on the people of Toronto-Danforth and on the people of Beaches-East York. You have done that while at the same time claiming that you are trying to give some kind of new authority to the city of Toronto. You did not choose to consult with the city of Toronto or the council at all. You imposed your will even though you start out with this statement saying that you want to give them the tools and instruments they need to meet the challenges of today's economy. In fact, you do not intend to do that. In fact, you intend to do whatever you think is in your best interests. You intend to do it based on what you believe the energy crisis is or is not. You intend to do it notwithstanding that they have other goals and other aspirations and other dreams.

I find this just a little bit galling. I find it galling because when you give something, you take it away. I know it's another bill, Mr. Speaker, and if you'll just give me latitude for a minute, I'm going to bring it back to this one. Bill 51 went through second reading and into com-

mittee over the summer. Bill 51 has a section in there which I consider to be quite odious. It is section 23, which takes away the right of every single municipality in this province, every planning board, and the Ontario Municipal Board to have any say whatsoever when some kind of energy project is located within the municipal jurisdiction.

If that wasn't bad enough because you're doing this—and every single mayor, every single councillor, every single citizens' group who came before us said that this was a wrong thing to do. If you really trust municipalities, if you really think they're mature levels of government, you have to leave with them the authority that they have had since Confederation. They have had the authority under the Planning Act to delve into these matters, save and except when it came to Ontario Hydro, but now that's gone, because literally anybody who's building a windmill, any private consortium that wants to put in a nuclear plant, anybody who wants to burn garbage, anybody who wants to do anything that will produce energy, no longer has to deal with what you call the mature level of government. They are cut out of the process.

When we complained, we complained bitterly. I did and so did the members of the Conservatives who were there in the committee. I held my breath and I thought, I wonder if they're going to do this to the city of Toronto, because there was nothing in section 23 that would actually touch the city of Toronto and touch what the council had planned to do to fight the Portlands energy project.

I should not have been naive. Of course, if I saw it, so did a thousand bureaucrats and a thousand political handlers who work for this government, because without consultation, on the very last day and at the very last hour, an amendment was brought forward by the government. The amendment was not shared with the opposition. The amendment was not shared with the city of Toronto or with the mayor or with the council or with anybody involved in the port lands or in the harbourfront or in all of the elaborate plans that the city has, and it took away the rights that you had, just four weeks before, passed into law in this very Legislature, took away the same rights you had just granted.

Now, here it is: "Trust us. Let's do all these things for municipalities." Look how fast you were able to undo the legislation which I put my hand up and voted for. Maybe I shouldn't have been naive to trust you, but I was naive, because I had a dream that the city that I have spent my whole life in, minus one year when I lived in Ottawa, was getting on the right track. I had a dream, a hope that the legislation was going to do something to actually make it into a mature level of government, a government of 2.5 billion people, a government with an \$8-billion expenditure per year. It seemed that this was a good thing.

Under the most horrible of circumstances, that which you had given four weeks before was taken away in one brutal attempt by the government backbenchers, who I think were reading from prepared lines. When challenged

about why they would undo legislation they had just passed four weeks earlier, the answer was, "Do you want the lights to go out?" With the greatest of respect, that was a very naïve argument, an extremely naïve argument, because what they were trying to do was play upon the fears of people who are afraid that someday there's going to be an energy crunch and there's going to be no electricity in Toronto.

The reality is that, for the foreseeable future, that is not likely to be the case, and you have taken away the rights of the municipal council to do anything, including where the siting might take place; including the size; including any of the amenities that are going to be around existing people, around existing neighbourhoods; whether or not there's going to be any noxious gas or anything else coming from it; the decision of the winds; the decision of whether or not it should be a park. There's a whole bunch of things that have been taken away from them.

You said you would not entertain city proposals or other bids with fewer impacts on the environment, the east-end residents and the future redevelopment of east Toronto's waterfront. You said you weren't going to

listen to the Toronto waterfront regeneration corporation, who state that a new power plant outside the old Hearn generating station will negatively impact future development of Toronto's waterfront. You said you're not going to listen to Toronto residents about the needs to increase energy conservation and energy efficiency to reduce the need for a mega generating plant.

Thank you, Mr. Speaker. I realize I have one minute.

I'd just like to close with what Mayor Miller had to say about all of this, because he's right. I quote him: "The proposed plant will be adjacent to the long-awaited Lake Ontario Park and the future Filmport studios. To date, the province has been a genuine partner on Toronto's waterfront revitalization. This proposal flies in the face of the progress we are beginning to see emerge"—Mayor David Miller, February 10, 2006.

I have to question—and I'll do it the next time—where is the respect for Toronto? Where is the respect for the municipalities of Ontario?

**The Deputy Speaker:** It being 6 of the clock, this House stands adjourned until 1:30 of the clock, September 26.

*The House adjourned at 1800.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Arnott, Ted (PC)	Waterloo–Wellington	First Deputy Chair of the committee of the whole House / Premier Vice-Président du comité plénier de l'Assemblée législative
Arthurs, Wayne (L)	Pickering–Ajax–Uxbridge	Parliamentary assistant to the Minister of Finance / adjoint parlementaire au ministre des Finances
Balkissoon, Bas (L)	Scarborough–Rouge River	Parliamentary assistant to the Minister of Community Safety and Correctional Services (Community Safety) / adjoint parlementaire au ministre de la Sécurité communautaire et des Services correctionnels (Sécurité communautaire)
Barrett, Toby (PC)	Haldimand–Norfolk–Brant	
Bartolucci, Hon. / L'hon. Rick (L)	Sudbury	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Bentley, Hon. / L'hon. Christopher (L)	London West / London-Ouest	Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Berardinetti, Lorenzo (L)	Scarborough Southwest / Scarborough-Sud-Ouest	Deputy government whip / whip adjoint du gouvernement
Bisson, Gilles (ND)	Timmins–James Bay / Timmins-Baie James	Chief New Democratic Party whip / whip en chef du Nouveau Parti démocratique
Bountrogianni, Hon. / L'hon. Marie (L)	Hamilton Mountain	Minister of Intergovernmental Affairs, minister responsible for democratic renewal / ministre des Affaires intergouvernementales, ministre responsable du Renouveau démocratique
Bradley, Hon. / L'hon. James J. (L)	St. Catharines	Minister of Tourism, minister responsible for seniors, government House leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement
Broten, Hon. / L'hon. Laurel C. (L)	Etobicoke–Lakeshore	Minister of the Environment / ministre de l'Environnement
Brown, Hon. / L'hon. Michael A. (L)	Algoma–Manitoulin	Speaker / Président
Brownell, Jim (L)	Stormont–Dundas–Charlottenburgh	Parliamentary assistant to the Minister of Tourism / adjoint parlementaire au ministre du Tourisme
Bryant, Hon. / L'hon. Michael (L)	St. Paul's	Attorney General / procureur général
Cansfield, Hon. / L'hon. Donna H. (L)	Etobicoke Centre / Etobicoke-Centre	Minister of Transportation / ministre des Transports
Caplan, Hon. / L'hon. David (L)	Don Valley East / Don Valley-Est	Minister of Public Infrastructure Renewal, deputy government House leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint du gouvernement
Chambers, Hon. / L'hon. Mary Anne V. (L)	Scarborough East / Scarborough-Est	Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse
Chudleigh, Ted (PC)	Halton	Deputy opposition whip / whip adjoint de l'opposition
Colle, Hon. / L'hon. Mike (L)	Eglinton–Lawrence	Minister of Citizenship and Immigration / ministre des Affaires civiques et de l'Immigration
Craiton, Kim (L)	Niagara Falls	Parliamentary assistant to the Minister of Community Safety and Correctional Services (Correctional and Emergency Services) / adjoint parlementaire au ministre de la Sécurité communautaire et des Services correctionnels (Services correctionnels et situations d'urgence)
Crozier, Bruce (L)	Essex	Deputy Speaker, Chair of the committee of the whole House / Vice-Président, Président du comité plénier de l'Assemblée législative
Delaney, Bob (L)	Mississauga West / Mississauga-Ouest	Parliamentary assistant to the minister responsible for seniors / adjoint parlementaire au ministre délégué aux Affaires des personnes âgées

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Dhillon, Vic (L)	Brampton West–Mississauga / Brampton-Ouest–Mississauga	Parliamentary assistant to the Minister of Government Services / adjoint parlementaire au ministre des Services gouvernementaux
<b>Di Cocco, Hon. / L'hon. Caroline (L)</b>	Sarnia–Lambton	Minister of Culture / ministre de la Culture
DiNovo, Cheri (ND)	Parkdale–High Park	
<b>Dombrowsky, Hon. / L'hon. Leona (L)</b>	Hastings–Frontenac–Lennox and Addington	Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Duguid, Brad (L)	Scarborough Centre / Scarborough-Centre	Parliamentary assistant to the Minister of Municipal Affairs and Housing (Municipal Affairs) / adjoint parlementaire au ministre des Affaires municipales et du Logement (Affaires municipales)
<b>Duncan, Hon. / L'hon. Dwight (L)</b>	Windsor–St. Clair	Minister of Energy / ministre de l'Énergie
Dunlop, Garfield (PC)	Simcoe North / Simcoe-Nord	
Elliott, Christine (PC)	Whitby–Ajax	
Flynn, Kevin Daniel (L)	Oakville	Parliamentary assistant to the Minister of Energy / adjoint parlementaire au ministre de l'Énergie
Fonseca, Peter (L)	Mississauga East / Mississauga-Est	Parliamentary assistant to the Minister of Health Promotion / adjoint parlementaire au ministre de la Promotion de la santé
<b>Gerretsen, Hon. / L'hon. John (L)</b>	Kingston and the Islands / Kingston et les îles	Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Gravelle, Michael (L)	Thunder Bay–Superior North / Thunder Bay–Superior-Nord	
Hampton, Howard (ND)	Kenora–Rainy River	Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Hardeman, Ernie (PC)	Oxford	
Horwath, Andrea (ND)	Hamilton East / Hamilton-Est	
Hoy, Pat (L)	Chatham–Kent Essex	
Hudak, Tim (PC)	Erie–Lincoln	
Jackson, Cameron (PC)	Burlington	
Jeffrey, Linda (L)	Brampton Centre / Brampton-Centre	Parliamentary assistant to the minister responsible for democratic renewal / adjointe parlementaire à la ministre responsable du Renouveau démocratique
Klees, Frank (PC)	Oak Ridges	
Kormos, Peter (ND)	Niagara Centre / Niagara-Centre	New Democratic Party House leader / leader parlementaire du Nouveau Parti démocratique
Kular, Kuldip (L)	Bramalea–Gore–Malton–Springdale	Parliamentary assistant to the Minister of Health and Long-Term Care / adjoint parlementaire au ministre de la Santé et des Soins de longue durée
<b>Kwinter, Hon. / L'hon. Monte (L)</b>	York Centre / York-Centre	Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Lalonde, Jean-Marc (L)	Glengarry–Prescott–Russell	Parliamentary assistant to the Minister of Economic Development and Trade and to the Minister of Small Business and Entrepreneurship / adjoint parlementaire à la ministre du Développement économique et du Commerce et au ministre des Petites Entreprises et de l'Entrepreneuriat
Leal, Jeff (L)	Peterborough	Parliamentary assistant to the Minister of the Environment / adjoint parlementaire à la ministre de l'Environnement
Levac, Dave (L)	Brant	Chief government whip / whip en chef du gouvernement
MacLeod, Lisa (PC)	Nepean–Carleton	
Marchese, Rosario (ND)	Trinity–Spadina	
Marsales, Judy (L)	Hamilton West / Hamilton-Ouest	
Martel, Shelley (ND)	Nickel Belt	
Martiniuk, Gerry (PC)	Cambridge	
Matthews, Deborah (L)	London North Centre / London-Centre-Nord	Parliamentary assistant to the Minister of Community and Social Services and minister responsible for women's issues / adjointe parlementaire à la ministre des Services sociaux et communautaires et ministre déléguée à la Condition féminine
Mauro, Bill (L)	Thunder Bay–Atikokan	Parliamentary assistant to the Minister of Northern Development and Mines / adjoint parlementaire au ministre du Développement du Nord et des Mines



Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
<b>McGuinty, Hon. / L'hon. Dalton (L)</b>	Ottawa South / Ottawa-Sud	Premier and President of the Council, Minister of Research and Innovation / premier ministre et président du Conseil, ministre de la Recherche et de l'Innovation
McMeekin, Ted (L)	Ancaster–Dundas– Flamborough–Aldershot	Parliamentary assistant to the Minister of Education / adjoint parlementaire à la ministre de l'Éducation
McNeely, Phil (L)	Ottawa–Orléans	Parliamentary assistant to the Minister of Transportation / adjoint parlementaire à la ministre des Transports
<b>Meilleur, Hon. / L'hon. Madeleine (L)</b>	Ottawa–Vanier	Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones
Miller, Norm (PC)	Parry Sound–Muskoka	Chief opposition whip / whip en chef de l'opposition
Milloy, John (L)	Kitchener Centre / Kitchener-Centre	Parliamentary assistant to the Minister of Intergovernmental Affairs / adjoint parlementaire à la ministre des Affaires intergouvernementales
Mitchell, Carol (L)	Huron–Bruce	Parliamentary assistant to the Minister of Public Infrastructure Renewal / adjointe parlementaire au ministre du Renouvellement de l'infrastructure publique
Mossop, Jennifer F. (L)	Stoney Creek	Parliamentary assistant to the Minister of Culture and minister responsible for francophone affairs / adjointe parlementaire à la ministre de la Culture et ministre déléguée aux Affaires francophones
Munro, Julia (PC)	York North / York-Nord	Deputy opposition whip / whip adjoint de l'opposition Parliamentary assistant to the Minister of Natural Resources and minister responsible for aboriginal affairs / adjoint parlementaire au ministre des Richesses naturelles et ministre délégué aux Affaires autochtones
Murdoch, Bill (PC)	Bruce–Grey–Owen Sound	
O'Toole, John (PC)	Durham	
Oraziotti, David (L)	Sault Ste. Marie	
Ouellette, Jerry J. (PC)	Oshawa	Parliamentary assistant to the Minister of Community and Social Services (Disabilities) / adjoint parlementaire à la ministre des Services sociaux et communautaires (Personnes handicapées)
Parsons, Ernie (L)	Prince Edward–Hastings	
Patten, Richard (L)	Ottawa Centre / Ottawa-Centre	Parliamentary assistant to the Minister of Training, Colleges and Universities / adjoint parlementaire au ministre de la Formation et des Collèges et Universités
<b>Peters, Hon. / L'hon. Steve (L)</b>	Elgin–Middlesex–London	Minister of Labour / ministre du Travail
Peterson, Tim (L)	Mississauga South / Mississauga-Sud	Parliamentary assistant to the Minister of Health and Long-Term Care / adjoint parlementaire au ministre de la Santé et des Soins de longue durée
<b>Phillips, Hon. / L'hon. Gerry (L)</b>	Scarborough–Agincourt	Minister of Government Services / ministre des Services gouvernementaux
Prue, Michael (ND)	Beaches–East York / Beaches–York-Est	Minister of Economic Development and Trade, minister responsible for women's issues / ministre du Développement économique et du Commerce, ministre déléguée à la Condition féminine Parliamentary assistant to the Minister of Health Promotion / adjoint parlementaire au ministre de la Promotion de la santé Parliamentary assistant to the Minister of Labour / adjoint parlementaire au ministre du Travail Parliamentary assistant to the Minister of Citizenship and Immigration / adjoint parlementaire au ministre des Affaires civiques et de l'Immigration
<b>Pupatello, Hon. / L'hon. Sandra (L)</b>	Windsor West / Windsor-Ouest	
Qaadri, Shafiq (L)	Etobicoke North / Etobicoke-Nord	
Racco, Mario G. (L)	Thornhill	
Ramal, Khalil (L)	London–Fanshawe	Minister of Natural Resources, minister responsible for aboriginal affairs / ministre des Richesses naturelles, ministre délégué aux Affaires autochtones
<b>Ramsay, Hon. / L'hon. David (L)</b>	Timiskaming–Cochrane	Parliamentary assistant to the Minister of Agriculture, Food and Rural Affairs (Rural Affairs) / adjoint parlementaire à la ministre de l'Agriculture, de l'Alimentation et des Affaires rurales (Affaires rurales)
Rinaldi, Lou (L)	Northumberland	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Runciman, Robert W. (PC)	Leeds–Grenville	Opposition House leader / leader parlementaire de l'opposition
Ruprecht, Tony (L)	Davenport	
Sandals, Liz (L)	Guelph–Wellington	Parliamentary assistant to the Minister of Education / adjointe parlementaire à la ministre de l'Éducation
Scott, Laurie (PC)	Haliburton–Victoria–Brock	
Sergio, Mario (L) *	York West / York-Ouest	Parliamentary assistant to the Minister of Municipal Affairs and Housing (Housing) / adjoint parlementaire au ministre des Affaires municipales et du Logement (Logement)
Smith, Monique M. (L)	Nipissing	Parliamentary assistant to the Minister of Health and Long-Term Care / adjointe parlementaire au ministre de la Santé et des Soins de longue durée
<b>Smitherman, Hon. / L'hon. George (L)</b>	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Deputy Premier, Minister of Health and Long-Term Care / vice- premier ministre, ministre de la Santé et des Soins de longue durée
<b>Sorbara, Hon. / L'hon. Greg (L)</b>	Vaughan–King–Aurora	Minister of Finance, Chair of the Management Board of Cabinet / ministre des Finances, président du Conseil de gestion du gouvernement
Sterling, Norman W. (PC)	Lanark–Carleton	
Tabuns, Peter (ND)	Toronto–Danforth	
<b>Takhar, Hon. / L'hon. Harinder S. (L)</b>	Mississauga Centre / Mississauga-Centre	Minister of Small Business and Entrepreneurship / ministre des Petites Entreprises et de l'Entrepreneuriat
<b>Tascona, Joseph N. (PC)</b>	Barrie–Simcoe–Bradford	Second Deputy Chair of the committee of the whole House / Deuxième Vice-Président du comité plénier de l'Assemblée législative
Tory, John (PC)	Dufferin–Peel–Wellington–Grey	Leader of the Opposition / chef de l'opposition
Van Bommel, Maria (L)	Lambton–Kent–Middlesex	Parliamentary assistant to the Minister of Agriculture, Food and Rural Affairs (Agriculture and Food) / adjointe parlementaire à la ministre de l'Agriculture, de l'Alimentation et des Affaires rurales (Agriculture et Alimentation)
<b>Watson, Hon. / L'hon. Jim (L)</b>	Ottawa West–Nepean / Ottawa-Ouest–Nepean	Minister of Health Promotion / ministre de la Promotion de la santé
Wilkinson, John (L)	Perth–Middlesex	Parliamentary assistant to the Minister of Research and Innovation / adjoint parlementaire au ministre de la Recherche et de l'Innovation
Wilson, Jim (PC)	Simcoe–Grey	Deputy opposition House leader / leader parlementaire adjoint de l'opposition
Witmer, Elizabeth (PC)	Kitchener–Waterloo	
<b>Wynne, Hon. / L'hon. Kathleen O. (L)</b>	Don Valley West / Don Valley-Ouest	Minister of Education / ministre de l'Éducation
Yakabuski, John (PC)	Renfrew–Nipissing–Pembroke	
Zimmer, David (L)	Willowdale	Parliamentary assistant to the Attorney General / adjoint parlementaire au procureur général
Vacant	Markham	
Vacant	York South–Weston / York-Sud–Weston	



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Vice-Chair / Vice-Présidente: Julia Munro  
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Julia Munro, Richard Patten,  
Norman W. Sterling, David Zimmer  
Clerk / Greffier: Katch Koch

### **Regulations and private bills / Règlements et projets de loi d'intérêt privé**

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Dave Levac, Gerry Martiniuk, Bill Murdoch,  
Khalil Ramal, Mario Sergio, Tony C. Wong  
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Kuldip Kular, Jeff Leal,  
Rosario Marchese, John O'Toole,  
Shafiq Qaadri, Khalil Ramal, Kathleen O.Wynne  
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Vice-Chair / Vice-Président: Norm Miller  
Wayne Arthurs, Caroline Di Cocco,  
Kuldip Kular, Norm Miller, Richard Patten,  
Michael Prue, Monique M. Smith,  
Norman W. Sterling, Kathleen O.Wynne  
Clerk / Greffière: Anne Stokes

These lists appear in the first and last issues of each session and on the first Monday of each month. A list arranged by riding appears when space permits.

Ces listes figurent dans les premier et dernier numéros de chaque session et du premier lundi de chaque mois. Par contre, une liste des circonscriptions paraît si l'espace est disponible.

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of Ontario**

Second Session, 38<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Deuxième session, 38<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 26 September 2006**

**Mardi 26 septembre 2006**



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 26 September 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 26 septembre 2006

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### PREMIER OF ONTARIO

**Mr. Frank Klees (Oak Ridges):** Today Dalton McGuinty released a progress report on his government that should be classified as fiction. It's a classic example of his government's practice of pronouncing mythical information to confuse the public, to deflect attention from the truth, the damages of the McGuinty broken promises and the mismanagement of a government in disarray.

He claims that class sizes are down in primary grades, but he hides the fact that class sizes have spiked in older grades, that there is a proliferation of portables in schoolyards and that split classes are reaching as high as 47 students. He claims that test scores are up in grades 3 and 6, but hides the fact that tests have been watered down. He claims that more students are graduating, but hides the fact that standards have been lowered. He does not want to be confronted with the fact that school boards across the province are facing deficits, program cuts and school closures, but that is the true state of education in this province today.

Dalton McGuinty gets a failing grade from parents of autistic children for his broken promise to them and their children. Their message to Dalton McGuinty on the lawn of this place yesterday was, "No more excuses." We resound with those parents and with parents across this province: No more excuses for your broken promises. Come clean with the people of Ontario. Tell them the truth.

#### VIJAY JEET AND NEENA KANWAR

**Mr. Bob Delaney (Mississauga West):** It's an honour to rise today to recognize two extraordinary Ontarians whose generous contributions have helped make Mississauga an even better place to live and to receive health care. Last week, I attended a reception at the Credit Valley Hospital to honour two inspirational members of the western Mississauga community: Mr. Vijay Jeet and Mrs. Neena Kanwar.

Mr. Jeet and Mrs. Kanwar came to Canada in 1985 from their native India, bringing with them aspirations

for business success and philanthropy. After establishing several successful medical diagnostic centres, they strengthened their commitment to health care in western Mississauga by investing in the Credit Valley Hospital. Their \$5-million pledge to support the hospital's expansion fulfills their dream of giving back to their community, and it gives our western Mississauga community a world-class treatment centre, The Vijay Jeet and Neena Kanwar Ambulatory Care Centre.

In addition to outpatient services, the new ambulatory care centre provides additional space for other critical ambulatory care programs such as cardiopulmonary, mental health, rehabilitation, satellite diagnostic imaging, diabetes education and our regional renal program.

I thank Mr. Jeet and Ms. Kanwar for their generous pledge to Credit Valley and for their contributions to Canada, to Ontario and to the city of Mississauga.

#### HOSPITAL SERVICES

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** Today the Premier's report included a statement on wait times, but this is the truth that he tried to hide:

First, not all the targets have been met. The Minister of Health has already admitted that he will not meet the targets for knee replacement and diagnostic scans that he himself set. We have not yet seen wait time guarantees from this government as promised. The report says this is the first time that wait times are being tracked, yet it was our government that built a province-wide cardiac care network that tracked and reduced wait times for cardiac surgery by half.

While the report focuses on the five priority areas, it neglects to mention the impact on the other surgical wait times and the human suffering. According to the Ottawa Citizen, there is "growing concern among doctors that the government's strategy is creating two-tier ... care that is leaving many sick people behind." They say patients who need services like neurosurgery, psychiatry, pediatric, back and abdominal surgeries face agonizing delays and suffering. Moreover, a news article in the Kingston Whig-Standard states, "The province has received complaints from other Ontario hospitals that operating room resources are being 'cannibalized' for ministry-selected surgeries from others not on the ... priority list."

Yes, others in the province are waiting. This is the real story on the progress on wait times—

**The Speaker (Hon. Michael A. Brown):** Thank you.



## RIDING OF PARKDALE-HIGH PARK

**Ms. Cheri DiNovo (Parkdale-High Park):** I rise upon the integrity and honour of those sitting today, this assembly that represents to our provincial electorate and to our children the most responsible and principled amongst us. I rise in awe of the generations who have served here, who have formed our laws and traditions and sacrificed their own comforts and hours so that we might all have democracy and freedom in Ontario. I pledge, as I know we all do, to uphold the values of this institution.

I rise upon the integrity and intelligence of the Parkdale-High Park electorate. The issues they demand action on are green renewable energy, not \$40 billion invested in nuclear reactors, fixing the flawed funding formula, and accountability and ethicality in government. They voted to send the Liberal government of Ontario a message: to keep their campaign promises made in 2003. It is my honour to serve the constituency of Parkdale-High Park and represent them in such an undertaking. Their courage gives me courage.

Finally, I rise upon the love and support of my family, my husband and my children, and my congregation at Emmanuel-Howard Park United Church, all of whom have made great personal sacrifices so that I might be able to stand among you.

I thank you, Mr. Speaker, and honoured members for your attention.

## SENECA COLLEGE

**Mr. David Zimmer (Willowdale):** Last month, I joined Premier McGuinty and Minister Bentley at Seneca College in Willowdale, my riding, to make an historic announcement. For the first time in the history of Ontario, our provincial government is investing in projects and programs to help young people become the first in their family to pursue higher education. Our government is on the side of Ontario families who are working hard to build an opportunity for their children, and this is why we are investing \$6 million in programs and bursaries that will help young people whose parents did not attend college or university.

I'm extremely proud that under the leadership of Seneca College and its president, Rick Miner, Seneca's Centre for Outreach Education, or SCOrE, as it's known, is a leader in breaking down barriers for at-risk first-generation youth. This is why we are investing \$750,000 in Seneca's SCOrE program this year.

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Under the leadership of Dalton McGuinty, the education Premier, we have invested \$6.2 billion over five years in post-secondary education and training, doubled our investment in student aid, established a new student access guarantee, and 60,000 students will receive grants this coming year.

Our government is genuinely determined to create new opportunities for youth and immigrant families in

communities like Willowdale. I'm proud to be a member of a government that recognizes that an investment in first-generation students not only strengthens our economic growth—

**The Speaker (Hon. Michael A. Brown):** Thank you.

## NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand-Norfolk-Brant):** Further to the McGuinty progress report, which many of us watched today, I rise to present, if you will, a lack-of-progress report with respect to the Caledonia-Six Nations land dispute. As this House will know, the Douglas Creek Estates just south of Caledonia has been occupied since February 28.

I'll quote the minister responsible for aboriginal affairs on the deliberations with respect to Six Nations and Caledonia. May 9: "We feel we are making progress." May 18: "David Peterson is making very good progress." June 5: "Great progress was made"—again, I'm making reference to an occupation that goes back to February 28 of this year. June 14: "We're making great progress." But on June 15: "The Premier of Ontario basically called off these negotiations a few days ago because he did not see the progress we were expecting." Then, on June 21 there's a reversal: "We're making progress." In one week, we went from progress to failure and allegedly back to progress.

## BOMBARDIER IN THUNDER BAY

**Mr. Bill Mauro (Thunder Bay-Atikokan):** I am pleased to announce that our government has helped secure more than 300 high-quality manufacturing jobs for Thunder Bay for the next five years. Last night, over a year's worth of hard work successfully ended when Toronto city council voted in favour of supporting a sole-source agreement to contract work to Bombardier's facility in Thunder Bay. Last night's positive vote confirmed a \$710-million deal with the TTC, which means their next 234 new subway cars will be built by workers in my riding of Thunder Bay-Atikokan. The TTC and Toronto city council did this because our workers at this facility deliver world-class, quality vehicles and service at very competitive prices.

This would not have happened without the support of our government and its investments in public transit. This deal was helped by the fact that our government invested over \$200 million in the TTC last year. We have also seen this public policy position manifest itself in other ways. For example, the city of Thunder Bay will receive \$4.5 million from our government over three years in support of our municipal transit system.

I'd like to thank Premier McGuinty for his help with this issue. Discussions with the Premier and his former chief of staff, Don Guy, clearly indicated that we, as a province, would not have any issue if the TTC chose to engage in a sole-source negotiation. I can tell you that after watching most of the debate yesterday at Toronto



city council, this letter was instrumental in the decision-making for many of the councillors who supported the recommendation by the TTC.

I'd also like to give special thanks to all the people in Thunder Bay who worked so hard at making this vision a reality. Without their effort and diligence—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### RIDING OF STORMONT-DUNDAS- CHARLOTTENBURGH

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** It was under the last government that the expression "Ontario ends at Kingston" was coined. Indeed, the only time the opposition seemed to pay attention to my riding of Stormont-Dundas-Charlottenburgh was at election time, when they would promise everything but deliver nothing.

Under the McGuinty Liberals, eastern Ontario is back on the map. Not only have we received a great deal of support from this government, but many members of cabinet have made the effort to come down and meet my constituents and learn what makes our part of the province so special and what makes Stormont-Dundas-Charlottenburgh tick.

This summer was no exception. Starting in June with Premier McGuinty's visit to Cornwall, I had the privilege of hosting, among others, the Ministers of Health and Long-Term Care, Transportation, Finance, Health Promotion, seniors, Labour, and Agriculture, Food and Rural Affairs in the riding and introducing them to my constituents. These ministers wanted to meet with the people leading the renaissance that is taking place in Stormont-Dundas-Charlottenburgh and to see what else could be done to assist them. The benefits of these meetings have been and shall continue to be enormous, and to see the construction at this moment going on in the city with regards to the St. Joseph's Continuing Care Centre and the early works at the Cornwall Community Hospital, these are to be certainly expressed today and thanked.

I would like to thank my colleagues for creating opportunities to dialogue with my constituents from every rank and station, and look forward to hosting them again in the years to come.

#### ECONOMIC ACTIVITY IN BRANT

**Mr. Dave Levac (Brant):** I rise to talk about some wonderful news in the riding of Brant. After working with the Ministry of Agriculture, in July, I had the opportunity to announce a grant of almost \$2 million under the rural economic development program to Ferrero Canada. Thank you to the hard-working ministry staff and indeed to all of the hard-working staff of all the ministries. The McGuinty government partnered with Ferrero to undertake a comprehensive recruitment and specialized training project to support its 900,000-square-foot manufacturing facility in my hometown of Brantford. That's

right: Brantford is now home to one of the world's great confectionary makers.

We are seeing and will continue to see a flurry of economic activity come to the riding of Brant. When it is complete, this facility will be the largest of its kind in North America. Ferrero will employ up to 1,200 skilled workers by 2009. The spinoffs in a variety of sectors include transportation, packaging suppliers, residential housing and many more, including the retail industry. The benefits are not only going to be for Brantford but the entire surrounding communities. In other words, the McGuinty government's partnerships with companies like Ferrero help bring jobs to our communities. Ferrero is already well on its way to finding and fulfilling its employment needs, and I am confident that this will help continue to bring prosperity to communities like mine and those around the province.

Companies like Ferrero in Brantford bring jobs and prosperity with them. This is just a renewed proof that, as Walter Gretzky says, "Brantford really is the centre of the universe."

#### LEGISLATIVE PAGES

**The Speaker (Hon. Michael A. Brown):** I beg the indulgence of the House to provide the pages with the opportunity to assemble for introduction. I would ask all members to join me in welcoming this group of legislative pages serving in the second session of the 38th Parliament:

Maddy Bondy from St. Paul's; Norah Bonsteel from Mississauga South; Dominic Brisson from Glengarry-Prescott-Russell; Julia Duimovich from Ottawa Centre; Sarah Edgerley from Thornhill; Patrick Griffiths from Waterloo-Wellington; Jasmine Ho from Oak Ridges; Annaliese Ionson from Niagara Centre; Adam Kelly from Oakville; Stephen McGuire from Lanark-Carleton; Paul Michel from Oshawa; Dominic Pizzolitto from Windsor West; Breanna Plourde from Timmins-James Bay; Chad Richards from Bruce-Grey-Owen Sound; Bryce Robson from Haliburton-Victoria-Brock; Taylor Rodrigues from Mississauga West; Shaké Sarkhanian from Don Valley East; Max Shcherbina from Etobicoke Centre; Olivia Steven from Perth-Middlesex; and Lindsay Walker from Hamilton Mountain.

*Applause.*

**The Speaker:** Thank you, and welcome.

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#### MOTIONS

#### ORDER OF BUSINESS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Mr. Speaker, I seek unanimous consent to move a motion respecting this afternoon's business.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.



**Hon. Mr. Bradley:** I move that, notwithstanding any standing order, the order for third reading of Bill 89, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario, shall be called as today's first order; and

That each recognized party be allotted up to five minutes to speak on the motion, following which the Speaker shall put every question necessary to dispose of the third reading stage of Bill 89; and

That the order for second reading of Bill 130, An Act to amend various Acts in relation to municipalities, shall be called as the second order; and

That this afternoon's debate on Bill 130 be considered one full sessional day.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### TOBACCO CONTROL CONTRÔLE DU TABAGISME

**Hon. Jim Watson (Minister of Health Promotion):** I have some good news to share with members of the Legislature and the people of Ontario. As you know, in 2003, the McGuinty government announced details of an aggressive plan for reducing tobacco consumption in Ontario. Since then, we've increased the investment in our smoke-free strategy sixfold to \$60 million to protect Ontarians from second-hand smoke, prevent young people from starting, and help smokers to quit.

We also enacted the Smoke-Free Ontario Act, fulfilling a key platform commitment to improve the health of Ontarians. Now families and friends can enjoy a meal or go to a club without being surrounded by smoke. All employees, regardless of the type of work that they are involved in, have equal protection under the law from second-hand smoke.

Today I'm pleased to announce that we are on the verge of fulfilling yet another commitment. Shortly after we took office, we set an ambitious target to reduce tobacco consumption levels in Ontario by 20% before the end of 2007. We made this commitment because we understood Ontarians expected to see real, measurable results.

Earlier this year, we were able to report that tobacco consumption in Ontario had fallen by almost 10% since 2003. Today, I am very proud and pleased to report that tobacco use is already down by 18.7%, according to Health Canada's tobacco consumption report. That's a significant achievement. It's an achievement that everyone involved in the smoke-free movement can be very proud of.

Il s'agit également d'une excellente nouvelle pour les familles ontariennes, qui ont manifesté leur appui solide à nos ambitieux objectifs de réduction du tabagisme.

Permettez-moi de vous décrire ce que représente une réduction de 18,7 % du taux de tabagisme en Ontario. Cela signifie qu'en 2005, on a fumé 2,6 milliards de cigarettes de moins qu'en 2003.

Let me just repeat that in English. What that 18.7% represents is 2.6 billion fewer cigarettes smoked in the province of Ontario since 2003.

Il s'agit de la santé des gens, une question de vie ou de mort.

Every year, tobacco claims 16,000 lives in Ontario. That's about one preventable death every 30 minutes. On top of the death toll is the incalculable cost in sickness and suffering that all of those smokers had to endure. Clearly the reduction in smoking across Ontario since our government was elected in 2003 has been significant, but we didn't do it on our own. We couldn't have gotten this far without working with the many partners in the community. I want to thank such organizations as the Ontario Medical Association, the Canadian Cancer Society, the Heart and Stroke Foundation, the Ontario Lung Association, the Ontario Tobacco-Free Network, the Ontario Campaign for Action on Tobacco and the Non-Smokers' Rights Association. These organizations, with countless volunteers, have all worked over the last 40 years to achieve this announcement we're making today.

I also want to commend the 36 public health units across this province, people like Dr. David Salisbury, who is the chief medical officer of health in my hometown of Ottawa, and his dedicated team of public health nurses, tobacco control officers and other professionals who have been at the forefront of tobacco control for years.

Avec l'aide de ces organisations et d'autres partenariats, le gouvernement McGuinty a pu mettre en oeuvre l'une des stratégies de lutte au tabagisme les plus complètes en Amérique du Nord. L'Ontario devient de plus en plus une province saine où il fait bon vivre, travailler et apprendre, un bon endroit où élever des enfants.

Notre santé à tous s'en trouve améliorée; une collectivité en santé attire les employeurs et accroît la prospérité.

Major businesses understand this. That's why chains like the Westin hotel and the Marriott hotel have gone completely smoke-free, a strong signal to the industry that protecting staff and patrons from second-hand smoke is good for business. In fact, John Jarvis, the general manager of the Westin in Ottawa, tells me business is up this year over last year.

Yet there's more to be done and we face many challenges, but at the end of the day, a healthier, fitter population reduces the strain on our health care system and makes all of our work a wise investment.

**The Speaker (Hon. Michael A. Brown):** Response? The member for Lanark-Carleton.

*Applause.*

**Mr. Norman W. Sterling (Lanark-Carleton):** Thank you very much, Mr. Speaker. I appreciate the applause from some of the ministers.

I rise today to respond to the Minister of Health Promotion. As he knows, the opposition caucus and our



leader support initiatives to decrease smoking and exposure to second-hand smoke, and I personally support it. In December 1985, I was the first elected official in all of Canada to introduce a bill to protect smokers in the public place and in the workplace from second-hand smoke. Subsequent to that, I introduced seven other private member's bills, eventually forcing the Peterson government in 1989—four long years later—to bring forward a bill to do what I asked in 1985.

While I am glad to hear of the reduction of smokers in this province, because of this terrible addiction to nicotine, our problem relates to the callousness with which this government has implemented this policy, and I want to talk particularly about nursing homes and long-term-care facilities.

With regard to the estimates of this year, when I questioned the minister who has just spoken about the provision for our elderly who are in these institutions to continue a habit which they have undertaken over the whole of their lives, the minister's answer was callous and disregarded the respect our seniors deserve. We found that only 29 of some 500 long-term-care homes in the province have applied for smoking rooms. The reason: the cost of putting these facilities there.

1400

We have a cold winter coming upon us, and many of these residents who are addicted to nicotine and at a late stage of their lives and do not want to abandon this habit are going to be caught in a terrible conundrum. I asked the minister about a specific case, about an 85-year-old woman, and I want to read the letter from her son:

"My mom is 85 and is a cigarette smoker since 1932. She respects all non-smokers in her life. She has always been independent and self-motivated.... In January 2005, she entered a nursing home with smoking facilities"—a non-profit, long-term-care facility. "She, as well as most residents, is not capable of leaving the facility on her own and she uses the smoking room daily. It is her only social interaction. Otherwise, she remains in her room except for monthly church communion and visits from us.

"In early July, we began to hear about the enactment of a provincial law which would apparently force closing" of this smoking room, "but didn't receive any notification until the 6th of August. All this time we felt that the provincial law would have some sensitivity to this kind of situation, but last week we were informed that the smoking room for the residents would close and she must stop." The letter goes on to say she was given all kinds of excuses and that she should stop smoking at the age of 85. The institution could not afford the \$100,000 to redesign a smoking room that would fit the new regulations.

When the minister was asked specifically about this situation, here is his response: "Mr. Sterling, the answer is no. We are not going to take scarce health dollars and subsidize a business, a non-profit long-term-care facility, whether it's a long-term-care home or a bar, and use these dollars to construct a smoking lounge that encourages people to smoke"—that encourages an 85-year-old

woman who has smoked all of her life. It's going to encourage her to take up the habit. What an argument. What a lack of generosity. What a lack of compassion towards our seniors who are afflicted with this terrible addiction.

We agree with the policy with regard to young people. But the way they have done this has shown such callous disregard for our seniors, the people who built our country, built our province, and is without explanation; a terrible, terrible mistake. This could have been done with care and respect for the people who deserve that respect.

**Ms. Shelley Martel (Nickel Belt):** I'm pleased to respond on behalf of New Democrats to the statement made by the Minister of Health Promotion. I want to make these points: It has been over 100 days since the legislation went into effect, and young people are still subjected to row upon row of cigarettes in their local retail store or local convenience store. Why is that? Because this Liberal government and the Liberal majority in committee voted down our NDP amendment that would have banned retail displays of cigarettes in convenience stores on May 31, 2006. The Liberal majority did that despite the overwhelming evidence at the public hearings from young people who said that retail displays made smoking normal. Retail displays enticed them to start smoking in the first place and then they got hooked.

This is what Tanya Wagner had to say: "[R]ecently I was thinking about why I smoked in the first place. I smoked du Maurier and sometimes Player's, and I noticed the other day that those two brands were the most noticeable behind the counter of my local store. I think that I am living proof that tobacco advertising affects teens. This is why I wanted to talk to you today and ask that you ban retail displays of cigarettes, including power walls."

This is from Olivia Puckrin and Caylie Gilmore: "You probably know that tobacco companies aren't allowed to advertise their products. But still, every kid I know can name five different brands of cigarettes. How is that?"

"Well, it is no mystery. Every time we go into a store, cigarettes are there. Cigarettes are displayed on the counter, behind the counter and even in the counter.... This advertising not only tempts adults to smoke ... it makes cigarettes look ... normal.... But no other product will kill you if you use it as the manufacturer intends....

"If the province allows cigarettes to be advertised in stores with countertop and power wall displays, well now, that would be stupid."

The NDP said that the government should ban retail displays. The government instead should replace the money that retail owners get from big tobacco to do this with promotion on healthy lifestyle, promotion on exercise. We urged the government to give increased revenue to retail store owners from lottery ticket sales. And the government didn't want to hear any of this. The government didn't want to do any of this.

So here we are, 100 days after the legislation has been passed, and young people can still see package after package of cigarettes in their faces in their convenience



stores. That will entice them to start smoking, and these are going to be our cancer statistics 20 years from now.

In the last election, the government promised as part of its anti-smoking strategy that it was going to provide \$31 million a year for a youth mass media campaign. At the estimates on September 5, we found out that the government has allocated a mere \$8.8 million this year for a youth mass media campaign. That's a shortfall of \$22.2 million. We also found out at the estimates that the government promised some \$46.5 million in smoking cessation programs to help people quit smoking. How much has the government is allocating this year? Ten million. That's a shortfall of \$36.7 million from what the Liberals promised.

What's most interesting is that the Liberals have increased tobacco taxes three times since they've been in government. The total new revenue coming in from tobacco taxes now is \$1.5 billion, and I thought some of that \$1.5 billion was supposed to go to keeping these Liberal election promises. In fact, if you go to the Liberal election platform, you see that the Liberals did promise this, and I'm going to quote this from the Liberal election platform: "We will use increased tobacco tax revenue to make smoking cessation medications available to all smokers trying to quit." It's clear the revenue's rolling in, it's clear the promise was made, and it's also clear that the government isn't keeping its promises.

In conclusion, some 100 days after the legislation has been passed, it would have been great to stand here today and say that young people no longer have to have row upon row of cigarette packages in their faces at their local convenience store, enticing them to smoke, but we can't do that. It would have been great to say that young people and organizations representing them have been given the money for ad campaigns to get them to stop smoking or not start in the first place. Regrettably, we can't do that today either.

It would have been great if we could have stood here today and said that all those people who are addicted to tobacco—and there are thousands of them out there and they want to stop smoking. It would have been great if they could have accessed all those cessation programs, the \$46.5 million worth of them that this government promised, and we can't do that either.

### VISITORS

**Hon. Sandra Pupatello (Minister of Economic Development and Trade, minister responsible for women's issues):** On a point of order, Mr. Speaker: I'm happy to introduce two members from my riding of Windsor West who are joining us in the gallery today, and they are Mrs. Ada Pizzolitto, who is also the grandmother of one of our pages here from Windsor West, Dominic Pizzolitto. They are joined by another gentleman from my riding, Mr. Alfeo Masotti. The important thing is that Mrs. Pizzolitto also happens to be my mom. The good news is that that makes this particular page my nephew, who told me very clearly that he was very proud

of the fact that he made his application to the page program without reference to his aunt being in the House. So congratulations to Dominic.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order.

### ORAL QUESTIONS

#### NATIVE LAND DISPUTE

**Mr. John Tory (Leader of the Opposition):** My question is for Premier. I should say, by the way, that young Dominic is a smart boy. He's going to go places.

*Interjections.*

**Interjection:** He's a Liberal, John.

**Mr. Tory:** There's still time.

My question is to the Premier. Premier, today the occupation of the Douglas Creek Estates in Caledonia enters its 210th day. That's 210 days in which you've tried your very best to play down and avoid the issues raised by both sides in this dispute. You ignored the early warnings in the summer of 2005. You've downplayed the concerns of the residents of Caledonia whose homes back onto Douglas Creek Estates.

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While you've never said so yourself, your lawyers appeared in court as recently as yesterday and said—and I quote them—that "the new owner," namely your government, "does not object to the protesters being on site." This was an argument repeated from the earlier court hearing.

I asked you earlier, in a letter dated August 27, what steps have you taken, if any, to insist on a reasonable minimum number of standards—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. Premier.

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm always grateful to receive the question, but I think it's important for the leader of the official opposition to cast his mind back to the fact that, 11 years later, Ipperwash Provincial Park remains occupied and unavailable to the people of Ontario. That is the result of a particular approach brought by that gentleman's government. We think it was the wrong approach, so we're bringing a different approach.

While it's important that we remain patient, and while I can understand that there are some growing frustrations on the part of residents on both sides of this issue, I am working, hand in hand with the federal government, together with the residents. We are at the table day in and day out, working as hard as we can to resolve this in a peaceful manner.

**Mr. Tory:** A very interesting answer, but not responsive at all to the question.

I'll ask you again: I think it is reasonable when someone is using your land—in this case our land, land that belongs to the people of Ontario—since you're giving



permission for them to use it, that you would insist there be a written agreement, as there would be in almost any other case, that would set out reasonable minimum conditions in terms of things like standards of behaviour that would be expected by you as the owner of the land and by the public in whose hands you hold this as a trustee.

Since you're willing to have them stay there, why have you not asked and required that this kind of an agreement be entered into, one that sets out minimum standards of behaviour and sets out the terms upon which people can stay on the land, for how long and matters like that? Why have you not done that? Why is that unreasonable?

**Hon. Mr. McGuinty:** Again, Ipperwash Provincial Park remains occupied after 11 years. That is the end result of the approach brought by this particular former government. If there is some kind of written agreement binding the use of that land, I'm not aware of that and neither are the people of Ontario.

But let me tell you what we have done, working together with all of the communities affected by this. Just recently, Minister Ramsay visited the community. We have agreed to put in place a 100-foot buffer zone, now recognized and controlled by the OPP, behind the houses and school that back on to the protested land.

I've also written to Chief MacNaughton. I've secured an agreement from him that he will work hard to eliminate noise and other nuisances that might be occurring on the land in question.

When it comes to the future use of the land, that is the subject of ongoing negotiations at the table. The federal government is present, we are present and, of course, so are the First Nations.

**Mr. Tory:** This is all very interesting, that you've secured an agreement with the chief. It's the first we've heard of this. He's quoted in the September 6 edition of the Turtle Island News as saying, "The letter never made it to the chiefs." You released it to the press but never sent it to the chiefs. So now we hear there's an agreement with him, and perhaps you might make that agreement available to us and tell us what terms you have with him.

You were quoted in the St. Catharines Standard, on August 31, 2006, as saying that if the protestors stay on the land "in some kind of permanent way, through the winter for example—that is not acceptable to us."

On the one hand, you had your lawyers in court yesterday saying they can stay there as long as they want and you seem unwilling to require any conditions of them or ask for anything, although we now hear there's some kind of a secret agreement; on the other hand, you said it was unacceptable.

So my question is this: Can you clarify for us exactly what the McGuinty government policy is? Are the protestors allowed to stay as long as they want without conditions, or must they be off the land, as you said previously, by the winter? Which is it?

**Hon. Mr. McGuinty:** Again, 11 years later, Ipperwash Provincial Park remains occupied. It's a provincial park that is not available for use by the people of Ontario.

*Interjections.*

**The Speaker:** I'm having a great deal of difficulty hearing the Premier. Order.

Premier.

**Hon. Mr. McGuinty:** Mr. Speaker, we are intent on remaining at the table, together with the representative of the federal government and representatives of the First Nations communities affected by this. The leader of the official opposition knows that this particular issue pre-dates Confederation. It is complex, it is fraught with challenges and it is taking everything all three parties can do by way of bringing to bear a request that we remain peaceful and respectful of one another as we work our way through this very difficult situation. We will continue to be at the table for as long as it takes to ensure that we have a productive dialogue, and a very important objective in all of this, of course, is the future use of that particular piece of property.

**The Speaker:** New question. The Leader of the Opposition.

**Mr. Tory:** My second question is also for the Premier. I wonder if you can give us your best estimate of the costs of all aspects involved in the Caledonia matter to date, including policing, land purchase costs, assistance to the affected businesses and residents, lawyers, negotiators, and that is just to name a few of the line items. I expect that as the chief trustee of the taxpayers' money, you will be able to give us some estimate as to how much has been spent on that matter so far.

**Hon. Mr. McGuinty:** With respect to the purchase of Douglas Creek Estates, I can inform the leader of the official opposition and the House that the total paid to the developer was \$15.8 million, and there was an additional \$4 million for builders who had started to build on the land in question.

**Mr. Tory:** I will help the Premier, who seems to be woefully ill informed about the finances of the taxpayers. I think by the calculation we can do, without access to all the tens of thousands of public servants you have, that the number would be about \$55 million so far, and counting. Policing costs: probably about \$30 million to date, and that is before we count in the cost of the new 72-officer detachment in Caledonia; buyout of the land—your numbers are right as we have it—about \$20.9 million; Jane Stewart's contract, \$330,000 without factoring in other staff; millions in costs to Hydro One for property damage and delay of the hydro transmission line; unknown costs—perhaps millions; we can't even count—related to the transfer of 250 acres of lands. That puts us at about \$55 million so far.

Can you either confirm that number as the total cost so far or tell us what the right number is? You should be able to do that if you're looking after the taxpayers' money.

**Hon. Mr. McGuinty:** To listen to our colleague, you would think that there must be some neat, tidy and possibly elegant solution to the challenges that face all of us at Caledonia. You would think that. But he has yet, at any place or any time, to put forward any substantive proposal that would tell us exactly what he would have us do in these challenging circumstances.



So what we have done is work hand in hand with the federal government—and it may be that Mr. Tory has contacted the Prime Minister and registered his extreme displeasure with this peaceful approach brought by our two governments; maybe he has done that but he hasn't owned up to it in this House—and we will continue to work hand in hand with the federal government, together with the First Nations, to resolve this in a manner that is peaceful.

**Mr. Tory:** Again a very interesting answer not responsive to the question, and I'll tell you what I have said. I have said it's important that we respect the rule of law and that we don't sit at negotiating tables with people who are not prepared to do that. I have said that, and if that puts me at odds with you and the Prime Minister of Canada, so be it.

Mr. McGuinty's government has bought out Henco. You've provided assistance to business, you've transferred 250 acres of agricultural land to the First Nations people, but there's one group of people for whom you have done nothing. It's a very small group, but they are innocent victims of this whole sorry affair. I'm talking about the homeowners whose properties are adjacent to the disputed lands, who have been pleading with your government for some consideration of their circumstances where their property values have plummeted and their houses, in many cases, are not saleable. Are you going to reconsider the request they have made so that you would inject some measure of fairness into a process for people who have found themselves caught in the middle of this situation? Will you reconsider and show some consideration to these people?

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**Hon. Mr. McGuinty:** You wouldn't blame the people of Ontario for being confused. At first, Mr. Tory was saying the problem is we're spending too much money, and now he is saying the problem actually is that we're not spending enough time to talk to more people so that we might give them more money. We're a little confused as to where he stands on this, but perhaps, in the grand scheme of things, that is to be expected.

We are proud of the way that we have managed this difficult, complex situation. The leader of the official opposition sees things differently. He is in disagreement with myself and with Prime Minister Harper and the peaceful resolution that we are seeking to arrive at.

To be specific about his question, we are in fact dealing, on an ongoing basis, with those particular homeowners. We've been dealing with the businesses. We've been dealing with the community at large. We've dealt with the developer. We are ensuring that people are intact in terms of their financial circumstances. We're doing whatever we can to maintain peace in this community.

#### HOSPITAL FUNDING

**Mr. Howard Hampton (Kenora–Rainy River):** I have a question for the Premier. This is a news article from the Kitchener–Waterloo Record:

"Five ER Doctors Leave Hospital; Turmoil at Cambridge Memorial.

"There's a crisis in the emergency room," says Dr. Paul Quinlan, one of the departing doctors. "We were in a death spiral."

"Fewer patients are being treated. They are waiting much longer and some are leaving without being seen."

Premier, this sounds like a news article from yesterday, but in fact it's from the Kitchener–Waterloo Record from a year ago, October 1, 2005, and a year later, under the McGuinty government, the situation in the emergency room has only gotten worse. Why haven't you acted to address the emergency room crisis, since it's been going on for over a year now?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm sure the leader of the NDP will now want to formally acknowledge and recognize his complicity in creating some of the challenges faced by emergency room doctors in the province of Ontario as a result of shutting down medical school spaces. I'm sure he's going to want to recognize that at some point.

I can tell you some of the things that we are doing to help address this—in addition to the important productive dialogue that is ongoing right now is this: We've put in place 150 family health teams. We've put in place 49 new community health centres. We are expanding medical school spaces by 23%. We are expanding the number of our nurse practitioner spaces. We are doubling the number of spaces for our international medical graduates in our residency programs. And, of course, we've opened the first new medical school in Canada in some 30 years. All of those have in mind to ensure that Ontarians have greater access to primary care outside an emergency room setting. It's not the only answer, but in part it is.

**Mr. Hampton:** Most of these things haven't happened, and that's why we continue to see a crisis in emergency rooms. Tomorrow, Cambridge will announce whether it will take the unprecedented step of hiring a private, profit-driven corporation to take over its emergency room, and your Minister of Health refuses to say if he will stop that privatization. As of yesterday, he hadn't even spoken to the hospital administrators about it.

In 2003, you were very critical of the former Conservative government for hiring Med-Emerg corporation. You said, "That money could have and should have been spent to hire full-time" health workers.

Premier, you're now in your fourth year of government. Have your standards changed or will you intervene immediately to stop this health care privatization?

**Hon. Mr. McGuinty:** I think that there's no doubt we have a real issue when it comes to ensuring that our emergency rooms are as effective as they possibly can be. And the Minister of Health, through his offices, is engaged in a very positive and constructive dialogue with our emergency room physicians. Let me just take the opportunity to say to them on behalf of the people of Ontario, we thank them for hanging in there under



challenging circumstances. We thank them for the work they do, day in and day out, night in and night out, for that matter—for all that they do. We ask for their patience as we work together to resolve some of the challenges that are affecting all of us.

**Mr. Hampton:** I'm sure all Ontarians thank our physicians. That's not the issue. The issue here is that emergency room wait times across Ontario are going up. This summer, 19 hospitals—Belleville, Guelph, Sault Ste. Marie, Atikokan, Timmins, and the list goes on—were at risk of closing their emergency rooms entirely.

Manitoba averted a crisis in their emergency rooms by doing some planning and taking thoughtful action. But here in Ontario, under the McGuinty government, hospitals are forced to use profit-driven private corporations to operate their emergency rooms while you pretend health care privatization isn't happening.

Premier, if Med-Emerg corporation can find doctors to work in the emergency room, why can't the McGuinty government?

**Hon. Mr. McGuinty:** You know what? I think one of the questions that Ontarians are entitled to ask themselves is, if the leader of the NDP is so genuinely committed to medicare, why did he vote against our Commitment to the Future of Medicare Act, a bill that was before him in this House? Why did he vote against that? I think that's an important question that would weigh heavily on the minds of Ontarians.

Again, we're pleased to be working as diligently as we can with all those involved in improving the quality of care in emergency rooms. But I think it's also important to remember something that Dr. John Rapin, former OMA president, said: "As the OMA predicted at the time, 10 years later this decision in itself"—he's talking about the fact that the NDP cut medical school spaces—"bears much of the blame for the current shortage of all types of physicians in Ontario."

So it is true that we find ourselves in circumstances where we've got to clean up a bit of a mess contributed to by the NDP government, but we will work diligently in that regard.

## HYDRO RATES

**Mr. Howard Hampton (Kenora-Rainy River):** To the Premier: 118,000 good-paying manufacturing jobs have disappeared in Ontario under your watch. That's more than 10% of the manufacturing jobs in the province. At the heart of this destruction of jobs is your government's misguided policy of driving hydroelectricity rates through the roof. Ontario's resource and manufacturing communities have told you that they need hydro rate relief now.

Premier, you've had much to say on this in the past. Is your government going to deliver hydro rate relief before thousands more jobs are destroyed in the resource and manufacturing sector?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The leader of the NDP will

know that we have been working particularly closely with the forestry sector, which is being buffeted by more than just circumstances that prevail here in Ontario but by a decline in pricing for their product, by a Canadian dollar which rose dramatically. We've worked hand in hand with them. In fact, we put together a package of some \$900 million to help ensure that we can not only help the forestry sector meet its immediate challenges, but also that we can transition them through some capital improvements to a point where they are more productive and producing more value-added products. That's the kind of approach we've brought when dealing with the forestry sector in particular, and we will keep working with them.

**Mr. Hampton:** Correction, Premier: You have announced \$900 million, and industries and mills in communities have hardly seen a cent of it. Twenty-five thousand direct and indirect jobs across northern Ontario in the forest sector have been destroyed by your government in the last two years. Kenora, Thunder Bay, Opasatika, Chapleau, Smooth Rock Falls, Kirkland Lake, Dryden, Hearst, Timmins, Longlac, Red Rock are all communities that have been devastated by your policy of driving hydro rates through the roof for an industry that has to use a lot of electricity in the manufacturing process.

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Northern mayors, industry leaders and labour leaders have all come together with one simple message: Reduce the industrial hydro rate in northern Ontario to 4.5 cents inclusive per kilowatt hour immediately. Are you going to listen to community, labour and industrial leaders in northern Ontario, Premier, or are you going to destroy thousands more jobs—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. Premier?

**Hon. Mr. McGuinty:** I know the leader of the NDP would not want to leave the impression here in this House that somehow the forestry sector in British Columbia, Quebec and New Brunswick, for example, has been unaffected by what's happening in an era of globalization.

I also know that he'd want to be mindful of some of the things that people in the forestry sector have said about our policies. Here is what they said from Tembec. Dennis Rounsville, the executive vice-president and president of the Forest Products Group: "The role played by the province generally and Minister Ramsay in particular in the re-establishment of this mill has been positive and we both applaud and appreciate their involvement."

Here's what they said over at Bowater Canadian Forest Products: "We would like to thank Minister Ramsay and the Ministry of Natural Resources for the contribution they are making to Bowater's Thunder Bay operation.... This project will assist our facility in moving towards the manufacture of new paper grades and is a step towards an improved competitive position for the operation."



What I'd ask the leader of the NDP to do is just to be a bit more balanced and a bit more broad in terms of recognizing what is in fact happening in northern—

**The Speaker:** Thank you. Final supplementary.

**Mr. Hampton:** Speaking of balance, Premier, is this the same Tembec that laid off everybody in the town of Smooth Rock Falls? Is this the same Bowater that said they're not going to go ahead with a \$200-million upgrading of their Thunder Bay mill because hydro rates in Ontario are so high under the McGuinty government that it would be a bad investment? You shouldn't lecture anyone about balance, Premier.

Eight months ago in Thunder Bay, you had a lot to say about reducing hydro rates. You told the mayors and other municipal leaders that the McGuinty government was going to look at reducing hydro rates in northern Ontario, since it costs a lot less to produce electricity there. Eight months later, thousands more jobs have disappeared, yet you haven't done anything. I ask you again, when are you going to reduce industrial hydro rates in northern Ontario and stop destroying thousands of forest sector jobs?

**Hon. Mr. McGuinty:** Again, I'd ask the leader of the NDP to be a bit more open-minded in terms of trying to gain a basic understanding of what's happening in the forestry sector in North America. It's not just specific to us here in Ontario.

It's true that I did have a good opportunity to chat with some of the folks in northwestern Ontario about electricity prices. I can tell you that we continue to work with that community and with others as well to ensure they are in a competitive position and can take full advantage of some of the opportunities we are creating with our programs to help the forestry sector in particular transition itself to a point where it is more competitive and more value-added.

I want to conclude with something said by the folks at Flakeboard in Sault Ste. Marie, who said in short, "Flakeboard will continue to do everything possible to ensure that our plants remain competitive and continue to support our customer base. We are appreciative of the provincial government's support of these important initiatives." We will continue—

**The Speaker:** Thank you, Premier. New question.

#### GOVERNMENT SPENDING

**Mr. John Tory (Leader of the Opposition):** My question again is for the Premier. We noticed the campaign-style, taxpayer-financed pamphlets you put out this morning, giving yourself lavish praise for all the things you claim to have done. I suggest you get an A+ for broken promises and an A++ for saying absolutely anything you have to say to get elected.

The book has one other little thing on it in terms of disrespect for the taxpayers' money; namely, a confirmation that you're going ahead with this misguided plan to change the government trillium logo. Can you tell the hard-working taxpayers of Ontario how much of their

money you are using to unnecessarily change the trillium logo? Can you tell them how much it's all going to cost?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I really appreciate the opportunity to speak about the progress that we've been making. This is our third annual report, and I would encourage the leader of the official opposition to turn the page and take a look at the contents. Ontarians may want to visit our website as well if they can't get hold of one of these.

One of the things it talks about, for example, is that class sizes are down. Over 60% of all of our primary classes are expected to have 20 students or less. Test scores are up. We've gone from 54% of grades 3 and 6 students meeting the Ontario grade to 64%. High school graduation has gone from 68% to 71%.

That is just a snippet of all the good news to be found inside this document that speaks of the progress we're making together on behalf of Ontarians.

**Mr. Tory:** We ought to get a few of the farmers, emergency room doctors, autistic kids, and forestry industry people to write a few chapters for you and see what they have to say.

We know that the redesign costs started at \$219,000, given out to your friends at Bensimon Byrne, the Liberal advertising agency, part of their \$16-million McGuinty bonanza they've received so far. That doesn't even begin to cover the cost of replacing the logo on government buildings and government cars. According to the public accounts, the government of Ontario owns 3,500 buildings, and the estimated cost of replacing signs is \$1,500, so at two signs a building, that's \$10.5 million. Some 10,000 cars are owned by the government of Ontario: \$50 a car just for the labour to replace the decal, so that's \$500,000. That's \$11 million for building signs and car decals. The fact is that if you were not changing this logo, you wouldn't have to spend that money at all.

Why don't you cancel this boondoggle and instead spend the money on emergency rooms or helping farmers or autistic kids? Will you stand up and cancel this now?

**Hon. Mr. McGuinty:** The leader of the official opposition is just making this stuff up. What we have said is that we will replace—

*Interjections.*

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** And it's not all that good.

**Hon. Mr. McGuinty:** It's not even good fiction. There's good fiction and there's bad fiction. This is bad fiction.

We're replacing the logo on an ongoing basis, as and when the product in question calls for it. He knows that, and he should just stand up and admit to that.

But let's get back to the good news. If you take a look at this progress report, one of the things that is truly remarkable is that when it comes to cardiac procedures, we have a reduction in wait times by 50% for angiography and by 25% for angioplasty; cataract surgeries are down by 20%; hip and knee joint replacements are down



by, respectively, 18% and 12%. We're making real progress on behalf of Ontarians.

### EDUCATION FUNDING

**Mr. Rosario Marchese (Trinity-Spadina):** My question is to the Minister of Education. I know, Minister, that my question won't reflect it, but I wish you the best and I congratulate you.

Now my question. Before your election, you were highly critical of the previous government because they forced school boards to balance budgets while admitting that the education funding formula was flawed. Three years later, you and your government have admitted the funding formula is flawed—and you admitted as much again this morning—but you're still forcing boards to make cuts in the classroom to compensate for your government's inaction. When are you and your government going to deliver on the fundamental changes to the education funding formula that you promised?

**Hon. Kathleen O. Wynne (Minister of Education):** I accept the congratulations of the honourable member and I look forward to his many questions going forward.

The fact is that this is a different government. This is not the previous government. The member opposite talks about the cuts and the disarray in the system that was the hallmark of the previous government. We are in a completely different environment. I know that if the member went into the schools in his riding and talked to the teachers and talked to the students and talked to the superintendents, he would hear that the tone has completely changed, because they know we have invested money in more teachers in their schools, the class sizes are down, and there are more students graduating. It's a different time.

In fact, in the supplementary, I'll talk about how we have started changing the funding formula.

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**Mr. Marchese:** It is so very disappointing that after the promising rhetoric of the last election, so many of the needs of so many of our students are not being met. We're talking about English as a second language; we're talking about special education in general and autism in particular; we're talking about transportation; we're talking about capital projects, where so many of our schools are not being fixed. Boards across Ontario, trustees and teachers that I've talked to, are being forced to make cuts in the classroom. From downtown Toronto to the shores of James Bay, students are losing their educational assistants, their buses and, in some cases, their local schools.

The Dufferin-Peel Catholic school board has drawn a line in the sand and they have refused to make the cuts. Your government expert has told them to cut remedial reading and continuing education, and to defer desperately needed maintenance. Which of these areas do you feel should go—

**The Speaker (Hon. Michael A. Brown):** The question's been asked. Minister.

**Hon. Ms. Wynne:** The fundamental difference between the previous government and this government is that, first of all, we believe in publicly funded education and, secondly, we have invested in publicly funded education. I know the member opposite knows that. There is not a school in your area or in the Toronto District School Board or in the Toronto Catholic District School Board that has not felt the result of the millions of dollars that we have put into Good Places to Learn. There are capital projects across this province, including in the city of Toronto, including in Dufferin-Peel, where boilers are being fixed, where windows are being replaced. Maintenance that I as a school board trustee was forced to put off and defer is being attended to. Those lists of facility concerns that I was presented as a school board trustee are being addressed because of the millions of dollars that we have put into the system. I look forward, as we move forward—

**The Speaker:** Thank you, Minister.

*Interjections.*

**The Speaker:** Order. New question. I can wait.

### WATER QUALITY

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** My question is for the Minister of the Environment. As the MPP for a rural riding, I've been fielding questions this summer from several of my constituents about the government's proposed Clean Water Act, Bill 43. None of the farmers or the rural property owners dispute the need to better protect the sources of municipal drinking water. However, many expressed uncertainty about the potential implications for them, both during the planning stage and once the plans are implemented. Unfortunately, some were needlessly upset by inaccurate statements that have been made about the act. Minister, could you please describe for the members of this assembly, and for my constituents, what actions the government undertook to ensure that the issues of relevance to farmers and rural property owners were heard.

**Hon. Laurel C. Broten (Minister of the Environment):** I've had an opportunity in this House before to talk about the consultation that has taken place on the Clean Water Act since October 2003, by way of a white paper, round table discussions, consultation across the province, expert panels, my travels across the province. But really, what's critical right now is to focus on what transpired this summer. The Clean Water Act travelled, by way of standing committee, across the province. Hundreds of community representatives came forward and gave us their good ideas and told us how we could make a good act even better. Our colleagues on this side of the House and that side of the House brought forward their ideas, and on September 6 this government proposed amendments that will be made to make that act even better. We travelled the province. We listened to those concerns. We are amending the legislation. It will make a good act even better.

**Mrs. Van Bommel:** Minister, it's obvious that the government has taken on a lot of consultation in terms of



talking to the people who will be affected by the Clean Water Act when it is implemented.

I want to contrast this with the little effort that the previous Conservative government put into consulting Ontarians prior to the introduction of both regulation 170 and the Nutrient Management Act. Upon taking office, the McGuinty government had to re-engage rural Ontarians in constructive dialogue and, in the end, the McGuinty government made both manageable for rural Ontarians.

Minister, can you please describe what amendments the government will make in response to the good ideas that have been brought forward by rural Ontarians during the recent standing committee hearings into the Clean Water Act?

**Hon. Ms. Broten:** I want to thank Maria Van Bommel and all of my colleagues who also brought forward those good ideas into this legislation. Some of those amendments include \$7 million in 2007-08 for early action to protect drinking water; \$5 million to support action to protect land and water surrounding municipal water wells and surface water intake; and \$2 million to support local education and outreach related to source protection planning.

We are replacing the permit system with a risk management plan, and we're ensuring that the risk management officials have the training and qualifications that they need to develop the plans with property owners. These and other amendments have been well received. Among others who have given us their support are Ron Bonnett, president of the Ontario Federation of Agriculture: "This first stage financial assistance goes a long way toward addressing the concerns of the farming community"; and John Maaskant: "This is an encouraging announcement and indicates that agricultural concerns have been taken into account."

#### LANDFILL

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** My question is to the Minister of the Environment. The city of Toronto's purchase of the Green Lane landfill just outside of London has taken on a life of its own. What is even more shocking is the lack of representation in the area where Green Lane is situated. The member for Elgin–Middlesex–London, in whose riding Green Lane is located, has known about this expansion since it was announced. He was copied on your June 28, 2006, approval letter, about which you stated, "The expansion of Green Lane is good news for municipalities across Ontario who are seeking disposal capacity within the province rather than sending it to Michigan." Yet other local and municipal elected officials, including those in your own caucus, had no idea.

Minister, why were neighbouring municipalities and your local members not consulted about receiving Toronto's garbage?

**Hon. Laurel C. Broten (Minister of the Environment):** What a fantasyland the folks on the other side of

the Legislature must live in: eight years of inaction; a current member and the leader of that party has indicated himself that he would not alter this transaction one single way. Your leader on the other side of the Legislature can sit and criticize, but he brings no solutions to the table.

On this side of the House, we're rolling up our sleeves, and we are ensuring in each and every case that matters are dealt with by the Ministry of the Environment and that communities are consulted. The terms of reference of this environmental assessment were approved by the former government, and that environmental assessment transpired over three years—a full year of analysis, consultation and scientific review by the Ministry of the Environment to absolutely ensure that this landfill would operate, as it always had, in an environmentally responsible manner.

**Ms. Scott:** Minister, the question was about being consulted about receiving Toronto's garbage. So it has become abundantly clear that the people of the London area have lost the representation of their MPPs, and that is a shame. The hard-working citizens of London and surrounding communities are now getting a real sense of McGuinty Liberals. Dalton McGuinty Liberals have shown us that Toronto votes trump London votes and he will say anything and reach any lows in order to get re-elected.

Yesterday, the member for London–Fanshawe said, "I will do whatever is possible to block this," followed by, "I do not know what MPPs can do to block it."

If members of your own caucus feel so helpless, how concerned should the regular, hard-working people of London and other areas such as Ottawa near the Carp landfill site be that they are going to bear the brunt of your broken promise of 60% waste diversion and your lack of any real plan for Ontario's garbage crisis, including energy from waste?

1450

**Hon. Ms. Broten:** It's always interesting to hear from those on the other side of House whose *raison d'être* was creating a crisis. We're very confused by the perspective that the members opposite bring forward. Would their leader cancel the landfill? I've not heard that be said. Would their leader intervene in a private contractual relationship between the city of Toronto, who has stepped forwards to manage their waste, and a private entrepreneur who has supported his party in the past? I don't think so.

This is a process whereby the Ministry of the Environment has the responsibility to impose conditions to ensure that a landfill operates in a safe and environmentally sound fashion. Those conditions have been imposed. They will continue, no matter who is the owner or operator of this site. The members of their communities in London are advocating on behalf of their constituents, as they should be doing. They are bringing those concerns forward. I will be meeting with the municipal representatives later today—

**The Speaker:** Thank you. New question.

*Interjections.*



**The Speaker:** Order, Minister of Labour.

*Interjections.*

**The Speaker:** The member for Bruce-Grey-Owen Sound will come to order.

New question.

#### DISABILITY BENEFITS

**Mr. Michael Prue (Beaches–East York):** In the absence of the Minister of Community and Social Services, my question is to the Premier. Mr. Premier, on May 15 this year, and again on June 21, I asked your community and social services minister why she slashed Brian Woods's special diet allowance just a few short months after the Ombudsman's office, upon our intervention, reinstated it and even made his payments retro-active?

I'd like to remind you about Mr. Woods. He is a very sick man, very ill. He has diabetes, bleeding ulcers on his feet, heart problems, congestive heart failure, osteomyelitis, and he is legally blind. His health is deteriorating because he cannot get proper nourishment. As of today, Mr. Woods still doesn't even have a date to plead his case to the benefits tribunal.

Premier, he thinks the minister is ignoring him. Will you take charge of this file and reinstate his special diet that the Ombudsman said he is legally entitled to?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I can't speak to the specifics of the case raised by my colleague, but I will undertake to bring it to the attention of the minister and have the minister pursue it from there. But I can say that, as a matter of general principle, the purpose of the allowance is for people who require a special diet as a result of a medical condition. The Ontario Medical Association has helped us create a new application form that clearly lists the medical conditions that require a special diet.

I gather my colleague is telling me that, even under our criteria, this particular individual should qualify for this special allowance. I don't know whether that is in fact the case, but again, I do undertake to take it up with the minister.

**Mr. Prue:** It is not under your criteria; the Ombudsman of the province of Ontario has ordered him reinstated, and you've taken him off again.

On May 15, I asked the minister this very question. She did not respond. On May 16, I wrote to her asking for an answer. She did not respond. We did get a voice mail saying she might be able to do something, but we heard nothing. We asked again on June 21. On June 28, my executive assistant called the minister's office begging for a reply and got none. As recently as three weeks ago on the streets of Parkdale–High Park, we met the minister out knocking on doors with her executive assistant. She promised to do something but, as of today, nothing has been done. On September 12, we e-mailed her again and, one more time, there has been no response.

Brian is watching today. He is watching from his home right now. I want you to tell him straight: Will you

order the minister to seek to reinstate his badly needed money, money that the Ombudsman of Ontario has already said he deserves?

**Hon. Mr. McGuinty:** I want to thank the member for his question. What I will undertake is this: I will raise this matter with the minister. I think that certainly the member is entitled to a response in a timely fashion. I think that's the best I can do at this point in time.

#### HOSPITAL FUNDING

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** My question is to the Minister of Health and Long-Term Care. On December 21 of last year, you came to my riding promising capital projects of not one, not two, but three hospital projects. The people of Cornwall and all of Stormont–Dundas–Charlottenburgh were at first skeptical. They had heard such promises before. It was during the last election that your predecessor, the current federal Minister of Health, came to Cornwall promising that he had a cheque for the redevelopment of the Cornwall Community Hospital in his back pocket. Upon assuming office, the McGuinty Liberals found that no funding had been set aside for that purpose and that no plan had been created.

I'm pleased to say that, unlike the last government, the McGuinty Liberals have put their words into action and the money of my constituents back in their hands in the form of these hospital projects. Could you update this House on the current standing of these capital projects?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I'm privileged to do so. In fact, Cornwall was one of those communities where the Conservative rubber cheque policy was actually acknowledged by John Tory, who questioned it as appropriate. But we're really excited about the progress that's going on there.

At the main site at Cornwall Community Hospital, we're just about to get shovels going on a new wing project. That is to complete renovations for critical care, maternal and child care, and emergency services that will allow for a further \$60-million redevelopment. We're excited about that. Over at St. Joe's, which is taking on the complex continuing care role, renovations are substantially complete. Up the road in Winchester, it won't be long now that we'll begin to rebuild that hospital.

The reality is that if people visit Jim Brownell's Stormont–Dundas–Charlottenburgh, they will see a very, very fine piece of evidence of health care renaissance taking place. That community has the benefit of excellent representation and will very soon have the benefit of the most modern health care facilities of any riding, I dare say, in the province of Ontario.

**Mr. Brownell:** One of my first acts as MPP for Stormont–Dundas–Charlottenburgh was to present you with the plans for these three hospital projects in my riding. I have since participated in the shovel in the ground at the St. Joseph's Continuing Care Centre and was present from the start at the first stage of the



redevelopment of the Cornwall Community Hospital. By themselves, these hospital projects will have a huge impact in health care delivery in my riding. People will no longer have to travel to Ottawa or Kingston for certain advanced treatments, and wait times will continue to shrink.

The hospitals aren't the only projects that are forming the renaissance in health care in my riding. On that same day last December, you announced that a new community health centre would be built in Cornwall. Minister, health care is more than just bricks and mortar. My question to you: Are there more health care professionals delivering more services for my constituents?

**Hon. Mr. Smitherman:** At the heart of it, health care is about a public service delivered with a lot of love alongside. We're so proud that about a quarter of a million health care workers every day bring that love to the front line. We're really proud of what's going on in the Champlain local health integration area as well: 11 new family health teams; 12 new community health centres and/or satellites; 350 more nurses; and 75 foreign-trained doctors, new, who are in practice in those communities.

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The reality is that all across Ontario, instead of having more and more orphaned patients, we have fewer. The reality for Champlain is that because we've had a 407% increase in the number of Ontarians who are accessing primary care through an organized model, we've been able to accomplish, at least so far, 91,000 patients, previously orphaned by that party and that party, who can identify with having a doctor and receiving the care that they need as close to home as possible.

We're proud to stand behind our public system of medicare and to make these investments to restore confidence in health care by being confident about our public health care system and putting the people's dollars where they're required: behind good-quality public services.

## ENERGY POLICIES

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** My question is for the Premier. Recently, your energy minister, when questioned on how people were to cope with the policies of this government that have resulted in thousands of dollars being taken out of the pockets of working families in this province through skyrocketing taxes and energy and hydro rates, your minister told them, basically, "Wrap yourself up in some blankets, get some good red wine and cuddle up with someone you care about. It'll help you get through those cold nights." Premier, do you agree with this flippant and dismissive attitude and the reply to hard-working families who are finding it tough in this province? Do you agree with the comments of your minister?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Energy.

**Hon. Dwight Duncan (Minister of Energy):** I think I suggested about five or six different ways that people

could conserve energy. I also suggested that conservation is important to the future of this province's energy supply, and I suggested that by conserving energy in modest ways, people could in fact cut their energy bills, cut their consumption and help the environment at the same time.

We think conservation is an extremely important component of fixing the energy system. That's why we've invested in it and that's why we're going to continue to invest in conservation. It's the view of this government that conservation can not only help the environment, it can be something done with relatively modest changes in one's lifestyle, and it can also be something that people should participate in and should try to help out with.

**Mr. Yakabuski:** Well, Premier, thank you for not answering. Maybe you'll answer this time.

Ontarians are feeling the weight of your government's failed energy plan. Jobs are disappearing across northern Ontario faster than Liberal caucus members are leaving. While those people are hurting, your minister plays Marie Antoinette to people in northern Ontario. While he may be able to afford good red wine, people who have lost their jobs simply cannot.

Premier, I'm asking you to tell your minister to apologize for his flippant and dismissive attitude to hard-working families. Ask him to apologize to the people of Ontario who are suffering under your regime.

**Hon. Mr. Duncan:** I think the Tories should say why their leader said that conservation is a misplaced priority. We think it's an important priority. He should turn to his colleague, who is normally sitting next to him—here's what he said about conservation: "The private sector asked us to get out of large-scale government conservation programs. Those efforts may have made the odd person feel good but they had absolutely no effect." We don't agree with that.

I will continue to say that people can manage their electricity bills better through conservation. There are a number of things they can do in their individual lifestyles. I know members around here have done that, members opposite have done that. It's important to do that. Conservation is an important part of the solution to the challenges facing our energy sector. People can make important changes with modest changes in their lifestyles. Those changes, in fact, can not only be important to the environment, they should also help us educate ourselves and enjoy the fruits of all our labours.

## ORGANIC WASTE

**Mr. Howard Hampton (Kenora-Rainy River):** My question is for the Premier. You will recall your 2003 election platform where you promised to divert 60% of waste from landfills and implement a ban on organic material going to waste dumps. You said then, "Organic waste is a resource, not garbage. We will phase in a ban on organic waste in our landfills, diverting it instead to environmentally friendly compost."

Premier, in your fourth year of government, where is your ban on organic material going to waste dumps?



**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of the Environment.

**Hon. Laurel C. Broten (Minister of the Environment):** It's great to be back and have a chance to talk about in this Legislature all of the steps being taken in this province to see increased waste diversion as we move forward, with waste management tools for the municipalities and industry for the 21st century.

Let me focus on one of the announcements the Premier and I made over the summer with respect to the bottle return and the fact that we will now see bottles that have clogged our blue box system returned to the Beer Store, at the request of the municipalities, responding to a long call being made by the municipalities that they needed a change in the approach with respect to the management of the blue box program. Two new programs on their way for blue box: household hazardous waste, special waste, electronics.

We are also seeing regulatory enforcement in the ICI sector, who to this date have not done enough work with respect to diversion. When we come back on the supplementary, I'll speak directly to the work being done on organics.

**Mr. Hampton:** Once again the McGuinty government calls a photo op and a press conference a plan. The fact is, Toronto wants to divert more waste from landfill, Guelph wants to divert more waste from landfill, London wants to divert more waste from landfill. But they need a plan from the McGuinty government and they need funding from the McGuinty government to make it happen. Here we are in the fourth year of the McGuinty government and there's still no waste diversion plan and there is no funding for municipalities. Instead, the Minister of the Environment stands up and says to London that they should simply accept a mega-dump.

My question to you again, Premier, is this: When did your promise to ban organic waste from dump sites become cash for trash, and London being forced to take a mega-dump?

**Hon. Ms. Broten:** I guess as it continues, the leader of the third party never lets the facts get in the way of a good fearmongering story.

Let me tell you what's happening in this province with respect to organics. A number of communities are on their way with household organics programs, and that will divert 480,000 tonnes of household organics each and every year. Six municipalities already have those organic recycling programs in their commitment under way, developing those programs. Another number of communities—York, Peel region—are expected to go region-wide this year, 2006-07, and that will divert another 135,000 tonnes of household organics. Nine more communities have trial programs across the province.

That's what's happening in organics in this province. We are not focused on a piece of paper. We're focused on results, and that's what we're going to deliver to the people of Ontario.

## CHINESE LANTERN FESTIVAL

**Mr. Mario G. Racco (Thornhill):** My question is for the Minister of Tourism. Throughout the summer, I attended many different festivals and events in Thornhill, in the city of Vaughan, in Markham, all over Ontario. I think that one of the greatest attributes of Ontario is that we celebrate our diversity through colourful events that excite our senses and allow us to explore many cultures. I recall you speaking in the spring about an event that was coming to Ontario Place this summer called the Chinese Lantern Festival. Minister, can you tell us about the Chinese Lantern Festival that is taking place right now at Ontario Place?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I certainly can. I want to thank the member for an excellent question today. This summer, the government of Ontario partnered with the People's Republic of China to bring the world's largest lantern festival outside of Asia to Ontario. With just a short time to go, the festival has attracted 33,000 more attendees than had been expected for the entire two-and-a-half-month run. That is 163,000 attendees.

Anyone who has attended this event in the last few months has most certainly been in awe of the 30 elaborate, large-scale lantern installations and 3,000 lanterns that transform the Ontario Place middle kingdom landscape, depicting the tales and traditions of one of the world's largest and most ancient cultures and lighting up Toronto skies. Remember, you've got till October 1 to see it. Don't miss it.

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**Mr. Racco:** Thank you, Minister, and I will definitely be encouraging my constituents to get out to the festival this weekend.

It is great to hear about successful events such as this one happening in our province, especially in a time when China is becoming one of the world's largest sources of tourists. You mentioned that our government has partnered with the People's Republic of China on bringing this event to Ontario. Can you explain the benefits of working together with governments such as China on these and similar events in our province?

**Hon. Mr. Bradley:** I certainly can. China, obviously, is emerging as a huge tourist market. By 2020, the number of outbound Chinese travellers is expected to reach 100 million. Promoting Ontario in this market and creating new partnerships is vital to our tourism industry.

But we want Americans to come to see this as well, and I have some good news for the member today. I just saw a Canadian Press story that says that as we advocated, US legislators on a bipartisan committee today agreed to extend the deadline for tough new identification measures at the Canada-US border for some 17 months. That is what the province of Ontario was fighting for, that is what we wanted to see happen and, through the efforts we have made, we are seeing some progress that will allow American friends to come in



greater numbers to visit the Chinese Lantern Festival which was so successful.

## PETITIONS

### HEALTH CARE FUNDING

**Mr. John O'Toole (Durham):** I am pleased to present a petition.

"To the Legislative Assembly of Ontario:

"Whereas the federal Income Tax Act at present has a minimum amount of medical expenses for which a taxpayer is entitled to claim a non-refundable income tax credit;

"Whereas the health and medical expenses of every citizen in the province of Ontario, great or small, affect their overall net income;

"Whereas the Ontario Liberal government moved in their 2004 budget on May 18, 2004, to delist publicly funded medical services such as chiropractic services, optometry examinations and physiotherapy services;

"Therefore, we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Income Tax Act remove the present minimum amount of medical expenses for which an Ontario taxpayer is entitled to claim a non-refundable income tax credit."

I'm pleased to sign and endorse this and present it to one of the new pages, Olivia.

### COLORECTAL CANCER

**Ms. Shelley Martel (Nickel Belt):** I have petitions that have been given to me by the Colorectal Cancer Association of Canada. This reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas it is incumbent that the Ontario government introduce a population-based screening program for colorectal cancer immediately based on the 2002 report by the National Cancer Commission on Colorectal Cancer Screening and recommendations by Cancer Care Ontario;

"Whereas the Ontario government has not implemented a colorectal cancer screening program, and still has an extra duty to provide the standard of care that is recommended in the treatment of colorectal cancer;

"Whereas the Ontario government has elected not to fund the medications which form the standard of care for the treatment of advanced colorectal cancer; namely Oxaliplatin and Avastin;

"Whereas the government should rightly fund these medications;

"Whereas forcing patients to pay for these drugs constitutes a two-tiered health care system which is unacceptable for the standard treatment of Canada's second-biggest cancer killer;

"Therefore we, the undersigned, petition the government of Ontario to:

"(a) introduce and implement a population-based colorectal cancer screening program; and

"(b) fund necessary medications for the treatment of advanced colorectal cancer, namely Oxaliplatin and Avastin."

I agree with the petitioners. I have affixed my signature to this.

### TRADE DEVELOPMENT

**Mr. Bob Delaney (Mississauga West):** I've got a petition here to the Ontario Legislative Assembly from a lot of our brothers and sisters in the Canadian Auto Workers from Oakville, from Georgetown, from Brampton and from Holland Landing, and it reads as follows:

"Whereas more than 260,000 Ontarians make their living and support their families through their careers in the auto industry in Ontario, which has become the pre-eminent manufacturer of motor vehicles in North America; and

"Whereas Canada imports more than 130,000 vehicles annually from the Republic of Korea, which imports virtually no vehicles or parts from Canada and does none of its manufacturing or assembly in Ontario or in any other Canadian jurisdiction, even though Canadian auto workers make the best-quality, most cost-effective vehicles in the world; and

"Whereas the government of Canada aims for a free trade agreement that would include the Republic of Korea in 2006, does not address the structural trade imbalance in the auto sector, and includes no measures to require Korea to reduce tariff and non-tariff barriers to Canadian-made vehicles, auto parts and other value-added services or components;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario insist that the government of Canada either cease free trade discussions with the Republic of Korea or make any proposed agreement contingent on fair and equal access by each country to the other's domestic markets in manufactured products such as motor vehicles and in value-added services, and ensure that Korea commits to manufacturing vehicles in Canada if Korea proposes to continue to sell vehicles in Canada."

This is an excellent petition. I wholeheartedly agree with it. I've affixed my signature to it.

I'm going to ask my Mississauga West page, Taylor, to carry it for me, and welcome him to the Legislative Assembly.

### CELLPHONES

**Mr. John O'Toole (Durham):** I'm pleased to present another petition on behalf of my constituents of the riding of Durham.

"To the Legislative Assembly of Ontario:

"Whereas the safe operation of a motor vehicle requires the driver's undivided attention; and

"Whereas research has shown that the operation of devices such as cellphones," pagers and other devices distract "from a driver's ability to respond and concentrate on the task at hand," which is driving; "and

"Whereas approximately 40 jurisdictions around the world have already passed legislation to restrict the use of cellphones while driving;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Legislative Assembly of Ontario enact legislation to curtail the use of" cellphones and other technology, "as proposed in the private member's legislation introduced by John O'Toole, MPP for Durham."

I'm pleased to support that and present it to my petition friend Patrick, the page from Waterloo-Wellington.

#### COLORECTAL CANCER

**Ms. Shelley Martel (Nickel Belt):** More petitions have been sent to me by the Colorectal Cancer Association of Canada. I want to thank them for doing that. They've been signed by thousands of people. They read as follows:

"To the Honourable Assembly of Ontario in Legislature assembled: ...

"That based on the 2002 report by the National Commission on Colorectal Cancer Screening and recommendations of Cancer Care Ontario, it is incumbent that the Ontario government introduce a population-based screening program for colorectal cancer immediately;

"That the Ontario government has not implemented a colorectal cancer screening program, and owes an extra duty to provide the standard of care that is recommended in the treatment of colorectal cancer;

"That the Ontario government has elected not to fund the medications which form the standard of care for the treatment of advanced colorectal cancer; namely Oxaliplatin and Avastin;

"That the Ontario government should rightfully fund these medications;

"That forcing patients to pay for these drugs constitutes a two-tiered health care system which is unacceptable for the standard treatment of Canada's second-biggest cancer killer;"

The undersigned request the Legislative Assembly of Ontario to do the following:

"(a) Introduce and implement a population-based colorectal cancer screening program;

"(b) Fund the necessary medications for the treatment of advanced colorectal cancer, namely Oxaliplatin and Avastin."

I agree with the petitioners. I've affixed my signature to these.

#### CHILD CUSTODY

**Mr. Kim Craiton (Niagara Falls):** I'm pleased to introduce the following petition to the Legislative Assembly of Ontario, signed by many customers from Scoops restaurant in Niagara Falls. The petition reads as follows:

"Whereas the people of the province of Ontario deserve and have the right to request an amendment to the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and their grandparents; and

"Whereas subsection 20(2.1) requires parents and others with custody of children to refrain from unreasonably placing obstacles to personal relations between the children and their grandparents; and

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"Whereas subsection 24(2) contains a list of matters that a court must consider when determining the best interests of a child. The bill amends that subsection to include a specific reference to the importance of maintaining emotional ties between children and grandparents; and

"Whereas subsection 24(2.1) requires a court that is considering custody of or access to a child to give effect to the principle that a child should have as much contact with each parent and grandparent as is consistent with the best interests of the child.

"Subsection 24(2.2) requires that a court that is considering custody of a child to take into consideration each applicant's willingness to facilitate as much contact between the child and each parent and grandparent as is consistent with the best interests of the child.

"We, the undersigned, hereby petition the Legislative Assembly of Ontario to amend the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents."

We support Bill 8, as introduced by the member from Niagara Falls.

I'm pleased to sign my signature in support of this petition.

#### PASSPORT OFFICE

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I have a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas, at present, residents of Barrie and surrounding area must travel to Toronto to receive a passport; and

"Whereas the only service available to obtain information or make application for a passport in the city of Barrie is through the post office or through the local MP office; and

"Whereas a passport to travel is now becoming a way of life for Canadians and there is a great need for a full-service passport office in the city of Barrie; and

"Whereas, due to the growth in population and demand and necessity for a passport to travel, a full-



service passport office in the city of Barrie is essential; and

"Whereas, due to the current security enforcement in place, a full-service passport office in the city of Barrie is essential; and

"Whereas a full-service passport office would be beneficial not only to residents of Simcoe county but also Parry Sound-Muskoka region;

"We, the undersigned, petition the federal government to give consideration for a full-service passport office in the city of Barrie."

I support the petition and affix my signature.

### MUNICIPAL RESTRUCTURING RESTRUCTURATION MUNICIPALE

**Ms. Shelley Martel (Nickel Belt):** I have petitions that have been sent to me by Mr. Claude Berthiaume, who is a councillor in ward 2 in the city of Greater Sudbury. They read as follows:

"To the Legislative Assembly of Ontario:

"Whereas the citizens of the city of Greater Sudbury believe they are overtaxed and underserved and feel like second-class citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Direct the city of Greater Sudbury council to hold a referendum. The purpose of this referendum would be to obtain the citizens' opinion as to whether they prefer to maintain the city's new structure or return to the previous regional municipality structure.

« À l'Assemblée législative de l'Ontario :

« Alors que les citoyens de la ville du Grand Sudbury croient qu'ils payent trop de taxes, voient une diminution dans les services et ressentent que leur voix ne compte pas;

« Nous, les soussignés, pétitionnons l'Assemblée législative de l'Ontario comme suit :

« Exiger que le conseil de la ville du Grand Sudbury tienne un référendum. Le but de ce référendum est de connaître l'opinion des citoyens : savoir s'ils préfèrent conserver la présente structure de la ville ou de retourner à l'ancienne structure de la municipalité régionale. »

I agree with the petitioners and I've affixed my signature to this.

### TRADE DEVELOPMENT

**Mr. Jeff Leal (Peterborough):** I have a petition today regarding fair auto trade with South Korea.

"Whereas more than 260,000 Ontarians make their living and support their families through their careers in the auto industry in Ontario, which has become the pre-eminent manufacturer of motor vehicles in North America; and

"Whereas Canada imports more than 130,000 vehicles annually from the Republic of Korea, which imports virtually no vehicles or parts from Canada and does none

of its manufacturing or assembly in Ontario or in any other Canadian jurisdiction, even though Canadian auto workers make the best-quality, most cost-effective vehicles in the world; and

"Whereas the government of Canada aims for a free trade agreement that would include the Republic of Korea in 2006, and does not address the structural trade imbalance in the auto sector, and includes no measures to require Korea to reduce tariff and non-tariff barriers to Canadian-made vehicles, auto parts and other value-added services or components;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario insist that the government of Canada either cease free trade discussions with the Republic of Korea or make any proposed agreement contingent on fair and equal access by each country to the other's domestic markets in manufactured products, such as motor vehicles and value-added services, and ensure that Korea commits to manufacturing vehicles in Canada if Korea proposes to continue to sell vehicles in Canada."

I'll affix my signature to this petition, and give it to page Julia.

### CHILD SAFETY

**Mr. Cameron Jackson (Burlington):** I have today to present in the House, along with the families who have been securing 65,000 signatures, a petition to the Parliament of Ontario entitled "Justice for Jared and Kevin."

"Whereas eight-year-old Jared Osidacz of Brantford was brutally murdered by his father on March 18, 2006, during a court-ordered unsupervised access visit; and

"Whereas two-year-old Kevin Latimer died on February 2, 2004, after falling from his father's third-floor apartment window during a court-ordered unsupervised access visit; and

"Whereas Burlington MPP Cam Jackson has introduced Bill 89, Kevin and Jared's Law, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario and mandate an automatic coroner's inquest when a child dies while in the care of a parent who is or has been the subject of a court access order; and

"Whereas Kevin and Jared's Law will designate family members as having standing during such inquests and be eligible for financial payment of legal costs through the victims' justice fund; and

"Whereas the province of Ontario has unclear guidelines and inconsistent policies for court-ordered supervised access programs that fail to prioritize the safety and welfare of children above all else; and

"Whereas section 22 of the Coroners Act allows the Minister of Community Safety and Correctional Services to direct that a coroner's inquest be held into a death whose circumstances merit public scrutiny so as to prevent other deaths and injuries; and



"Whereas on April 4, 2006, Cam Jackson, MPP, on behalf of the victims' families, formally requested the minister to direct such an inquest into the deaths of these children, which was refused without substantive reason;

"Therefore, be it resolved that we, the undersigned, call upon the McGuinty government to call an immediate coroner's inquest and to pass into law Bill 89 as soon as possible to give Kevin and Jared the voice they were denied in life before any more children's lives are lost."

I won't sign all 65,000 of these petitions, but I will submit this group today and recognize the families who are here in the House to join us to see the work they've been doing.

## ORDERS OF THE DAY

### KEVIN AND JARED'S LAW (CHILD AND FAMILY SERVICES STATUTE LAW AMENDMENT), 2006

#### LOI KEVIN ET JARED DE 2006 MODIFIANT DES LOIS EN CE QUI CONCERNE LES SERVICES À L'ENFANCE ET À LA FAMILLE

Mr. Jackson moved third reading of the following bill:

Bill 89, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario / Projet de loi 89, Loi modifiant la Loi sur les services à l'enfance et à la famille et la Loi sur les coroners pour mieux protéger les enfants de l'Ontario.

**The Speaker (Hon. Michael A. Brown):** Mr. Jackson has moved third reading of Bill 89. The member for Burlington.

**Mr. Cameron Jackson (Burlington):** At the outset, let me say to all members of the House how very pleased so many people are that the government and the three party House leaders have come together to determine that this is an important piece of legislation that has within it the ability to further protect children in our province. I want to acknowledge the work that's gone on over the last few months in order to make this bill become a reality. That includes the support from the government in getting it to committee this summer, and for the courage of the families who came forward under very, very difficult circumstances in order to deal with the issue of the loss of the precious lives of Jared Osidacz and Kevin Latimer. Jared Osidacz was only eight years old when he was brutally murdered by his father, and Kevin Latimer was a few days short of his second birthday when his innocent young life was snuffed out, under circumstances which I believe that we will determine at some point in the future could have been prevented.

I personally want to thank the members of the House who have encouraged the forward movement of this legislation, particularly because of what it purports to do. The issue of a mandatory coroner's inquest is a sensitive issue. Governments of all stripes are reluctant to direct a

coroner to do anything. But Ontario has, perhaps, one of the most rich and profound histories when it comes to the work of the chief coroner in this province. The work that they have done has made Ontario a safe and better place. Tragically, we have seen four children die this year in Ontario under the circumstances set out in this bill. I don't believe that we're going to see a lot of mandatory coroner's inquests as a consequence of us passing this bill today.

## 1530

The second substantive issue—and this puts Ontario again into the forefront in Canada and perhaps even in North America in its efforts to make sure that our justice system is more responsive to the victims of crime. As you know, many years ago this House approved the victims' justice fund. Every time someone breaks the law, a little bit of money is added to a pot, and that amount of money is there to assist victims of crime in our province. This bill will empower and enable those persons who obtain standing at a coroner's inquest to seek funding to assist them with legal counsel. After all, in one of these kinds of coroner's inquests, the children's aid society will be represented there by a taxpayer-funded lawyer; the police will have a lawyer there representing them, paid for by the taxpayers; if there are any municipal issues, the municipality will. The only person in that inquiry who will not have that support will be the actual victim and their family. So this is a major step forward for victims' rights and for justice in our province and something that we can all share in with great pride, knowing that we have done something very right, very important and very noble for the citizens of our province.

I want to pay public tribute to the courage of these two families. This has not been a journey they asked for, it's not one they wish to continue to be on, but in the memory of the loss of their beloved children, they soldier forward in the hopes that Parliament will move things along for them.

I am touched by Kevin Latimer, who didn't achieve his second birthday, a constituent of mine, a beautiful little boy. On his headstone read the words, "Tread lightly; an angel lies here." Carved on that headstone is a beautiful image of Bob the Builder and Thomas the Tank Engine. Why Kevin loved Bob the Builder so much is because his favourite expression was, "We can fix it," and yes, we can. That will be the legacy for Kevin Latimer: that he will fix it for other children in this province.

To his grandmother and to his mother, who have been an inspiration when we thought there was a chance this bill may not go through—and we're delighted that it is. She sent me this piece of short scripture from Timothy: "At my first defense, no one came to my support, but everyone deserted me. May it not be held against them. But the Lord stood at my side and gave me strength, so that through me the message might be fully proclaimed and all might hear it. And I was delivered out of the lion's mouth."



Thank you to the families. Thank you to this House. Let's get on with the good work of helping children in our province.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Ms. Andrea Horwath (Hamilton East):** I'm proud to speak in favour of this bill on behalf of New Democrats today and want to say that I'm pleased that the government has decided to have second thoughts and that we are in the position of debating this bill today. I look forward to the day this bill receives royal assent and comes into force in the province of Ontario.

When we went through the committee process for this bill, the final result of that discussion, after the public hearings and after the clause-by-clause debate, was that we had every member of the committee supporting this bill, supporting it coming to third reading, supporting what it was going to be able to do to change the way things were happening currently in the province of Ontario.

Nobody could have sat in that room, particularly during the public hearings process, and shared the anguish and the pain that was shared with us by the presenters, particularly Jenny Latimer and Julie Craven, and simply do nothing about the injustices they saw in the system that led to their children being in harm's way. It became very clear that in many ways our child protection system is still in significant disarray.

What Bill 89 provides is a way for us to learn from those tragedies—the ones that have occurred and, God forbid, the ones that we know are likely to happen in the future. Those deaths of children—it's incumbent upon us to learn from those deaths. It's incumbent upon us to find out what it is that we can do to change the system to remove children from harm's way in the future.

I heard that day very obvious changes that I could see, as they took us through their experiences, needed to be put into effect in the province. One of the very basic things that needs to change is that, first and foremost, the voices of these women need to be heard and heeded. That's one of the basic things that needs to be changed. You simply need to look through the Hansards and the remarks that were brought to the table during the hearings process, where you could see, time and time again, that these women's voices were not heard. They were not heard by the justice system. They were not heard by the lawyers. In some cases, they were not heard by the children's aid society when they warned, time and time again, that the fathers of their children were abusers, that the fathers of their children were not going to provide a safe environment for their children to be placed in without supervision.

In fact, in Jenny Latimer's case, there is still fear that her child whom she still is trying to protect may be put in that position yet again because the system simply is not hearing her. She does not feel that her son is going to be safe in his father's care without supervision.

So woman abuse and family violence needs to be heard and needs to be heeded and needs to be acted upon

in this province. It needs to be heard by all of those people I just described a moment ago.

Our overcrowded Family Court system needs to be dealt with. It can't handle the volumes of cases that are there, so things are hurried up; things are moved along. In hurrying up and moving along, we end up putting children at risk, and that is unacceptable in the province of Ontario. The lack of financial resources, the fact that women in many cases are the ones who are not able to afford the better lawyer and so have to take whatever they can afford—because there isn't enough money, there isn't enough access to financial aid to be able to get legal assistance of a calibre that will help them ensure that the rights of themselves and their children are taken seriously by the system.

There are a number of things that we learned during those committee hearings, and yes, Bill 89 will go a long way to help the coroner in an inquest put some real teeth behind some of the changes that need to take place to make these children safe in the province of Ontario.

My last remark is about other changes that I believe need to be made. Those include having Ombudsman oversight over children's aid societies in the province of Ontario. That's another big step, because what that will do is help us identify and implement systemic changes in the province of Ontario before a child is put at risk, before a child is in a situation where they're not in a safe custody situation.

There are many things we need to do. Bill 89 is one of them, and I'm proud to be here to support it. I want to thank the family members, too, for the very good work that they've done. I feel very, very badly for the fact that you've had to go through what you've had to.

**Mr. Dave Levac (Brant):** I stand before you complimenting the private members' bill process, as I've done since I was elected in 1999, to indicate that private members' bills, although they don't become legislation all that often, provide us with the opportunity to use this place as a voice of the people. That's what we're hearing today.

It's very safe and very fair to say that everyone in this Legislature does want to ensure, to the best of their ability, that the children of Ontario are as safe as they can be. When a child dies, like Kevin and Jared, not only do the families mourn, not only do the communities mourn, but indeed everyone mourns. No one knows the pain. No one knows the suffering of the families. When a child dies after a parent who has been ordered against them, that death should be investigated.

I've heard about Kevin's struggle and his fight for life. I've heard Jared's mom talking about her son, talking about the incident. I've heard grandpa talk about Jared as a "special angel." These, indeed, were special children.

**1540**

During the committee hearings, I did put forward a motion that I thought was appropriate in order for us to cover and capture even more circumstances that could happen to children under care. The motion didn't receive unanimous consent and, therefore, may have caused



some people to think differently than what the bill was intended to do.

There's not one member in the House who wouldn't want to do anything that would prevent these tragedies from happening again. Indeed, the parents have made it quite clear that they do not want to have another thing happen to another child, even though they still grieve. We as legislators have a responsibility to do our utmost to protect children. We all take that responsibility seriously. There are very few people in this province who have walked in the shoes of the mothers of Kevin and Jared—so few. We cannot express what they feel.

Today is a day to move forward and indeed, dare I say, at least in a small way, to celebrate that we have collectively come together to indicate to the rest of the people of Ontario that we will do our best, we will continue to move and improve and step forward in a reasoned way, to protect the children of Ontario.

I leave us all with a challenge, and that challenge is to keep our minds open, to continue to think beyond today to ensure that we respect the legacy that has been given to us in oh, so short a time by these children; that we respect the families; that we intend, to the best of our ability, to continue to keep children in our hearts and in our minds; and—as I've used in the past and will continue to use—the message of our First Nations people: to continue to look to seven generations in front so that these types of tragedies, to the best of our ability, can be stopped once and for all.

I thank all the members in this place for putting us in the position to be true leaders in keeping our children safe.

**The Acting Speaker:** Mr. Jackson has moved third reading of Bill 89, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario.

Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

#### MUNICIPAL STATUTE LAW AMENDMENT ACT, 2006

#### LOI DE 2006 MODIFIANT DES LOIS CONCERNANT LES MUNICIPALITÉS

Resuming the debate adjourned on September 25, 2006, on the motion for second reading of Bill 130, An Act to amend various Acts in relation to municipalities / Projet de loi 130, Loi modifiant diverses lois en ce qui concerne les municipalités.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. Michael Prue (Beaches–East York):** As I started my speech yesterday by reminding people that I am usually in the unenviable position of giving bifurcated speeches, half one day and half another, this is the continuation of what I started yesterday—and since there

are so many new people here in attendance who were not here yesterday, just to, in about 30 seconds or so, recapture where I started from yesterday. We are talking about Bill 130 but I felt it necessary to talk about Bill 130 as being part of a very large package of bills which all deal with municipal structure. There's Bill 130, which we're dealing with today. There was the City of Toronto Act, which passed earlier this year. There is Bill 51, which has to do with the Ontario Municipal Board and the powers of municipalities and the citizens who appear before it. There is also, as the minister said yesterday, ongoing discussion and possible changes of policy and procedure under the guise of the municipal service review. All of that is taking place together and in conjunction with each other.

When I started off yesterday, I talked about what had transpired to date and how disappointed the members of the opposition were, and indeed I think many members of this House were disappointed, that the lofty goals set out in the City of Toronto Act, which was to allow the city of Toronto to finally shake off those shackles of 1867, when it was determined that cities and towns would be the creatures of the province—we all had some very high hopes indeed that that would happen with the passage of the City of Toronto Act.

I had to remind members of the government that although we in the New Democratic Party voted for that bill, despite some of its warts and some of its problems, we were very disappointed to find that the provisions of that act lasted all of about two weeks and that, some two weeks later in the debate at committee stage of Bill 51, what the province and the Liberal government had given to the city of Toronto, they summarily took away. They took away the right of the city of Toronto to have any say on energy proposals located within the city, a right that they had granted them only two weeks before with the proclamation and the promulgation of that very City of Toronto Act. So within two weeks, the very high and great-sounding words that came from the government's mouth were no longer there.

I started off yesterday by talking about the government's platform and how they said they wanted to work with governments at the municipal level, who were senior levels of government and needed to have the right to work in their own right and showed quite, I think, fairly and honestly what had happened. Although those high-sounding words were used in the passage of the act and those same high-sounding words are used as this bill goes to second reading, the obvious actions of the government belie those words.

During the hearing on Bill 51, we saw what I take—and I hope it's not a word—if it is, you will remind me, Mr. Speaker. We saw what we considered to be the hypocrisy of the government on this issue, saying one thing and acting in quite a different way. Before the ink was dry on the City of Toronto Act, the McGuinty Liberals were back amending it to ensure that the city of Toronto did not have the ability to stop or to slow down the government's misguided Portlands mega power plant.



**Mr. Dave Levac (Brant):** On a point of order, Mr. Speaker: I know the member to be an honourable one, and I'm sure that his use of the word that was said just a short time ago would be withdrawn because he knows it's not acceptable language in the House.

**The Acting Speaker:** I appreciate the intervention of the member for Brant and would ask the member for Beaches—East York to use language that does not inflame the passions of other members of the House.

**Mr. Prue:** I'm not sure what that word was, but I will be very careful in my language, Mr. Speaker, as I always attempt to do.

Instead of focusing on providing the city of Toronto with the powers to protect and develop its eastern waterfront for the benefit of its citizens, in Bill 51 the McGuinty government sought to remove council's control. As you will recall, it is not just the city of Toronto that lost this control. If you look at Bill 51, section 23 of that act, which was passed by a majority of Liberal members sitting on the committee—five hands went up, as in almost all of the contentious articles of the bill. Five hands went up to take away the self-same right of literally all 460 municipalities in the province of Ontario. As of that date—and I'm sure it's coming back for third reading soon—the municipalities in Ontario no longer have control over energy projects which occur within the jurisdiction of the municipality.

The minister yesterday chided me—I got two minutes to talk about what he had to say and raise this very point—by saying that in Ontario there has never been a right of a municipality to do anything against the Ontario Power Corp., against the electricity company of the province of Ontario as it existed prior to its being dismantled and rebuilt in its many guises and forms.

But what he said is correct: The municipalities have never had the power to question the site location or the need of or the ability of Ontario Hydro to provide hydro-electricity to the citizens of this province, and that's probably a good thing.

1550

What this legislation does and what it says is that any private developer, any group that is not a part of the government of Ontario, has the self-same right that we have always vested in the Ontario power corporation, in Ontario Hydro. They have the same rights. If they want to put a windmill on a property, there is nothing the local residents can say. If Bruce nuclear wants to build an extension of the nuclear power plant there or build another one in a completely different town, the residents of that town or city will no longer have anything that they can say: whether it is properly located, whether it is safe, whether it meets the norms and requirements of the city, whether it's part of the official plan. They will no longer be able to have any say. If they want to put in gas-fired generation, as TransAlta is trying to put in and unfortunately may succeed in doing in the port lands, the citizens will no longer have any authority or power.

If there is going to be incineration of waste—and I think this government is heading in that direction—if

somebody wants to bring in the waste from across Ontario and start burning it or incinerating it or gasifying it or doing anything else in a local municipality, that municipality will find itself in precisely the position of the city of London today: They will no longer have a say in whether or not it happens.

I'm not sure that I think this is what this government should be doing. I have to question, with the lofty standards you set for yourself coming into government, the lofty standards that you stated to the people of Ontario three years ago during the time of election that you would consult with and work with the municipalities to make sure they were stronger and better able to function, whether it is your intention to do this, because this is what you are doing.

Now you ask all of us on this side of the House, and all of yourselves together, to believe—when you can so easily turn the clock, when you can so easily undo the good work that you did on the City of Toronto Act, when you can so easily undo everything you promised to the multiple mayors and councillors at the Association of Municipalities of Ontario, when you can say, “We know what's best. We are going to site or allow the siting of some kind of energy project which doesn't necessarily jibe at all with your municipality or your official plan or what your residents want”—you're just simply going to say, “Tough.”

Those municipalities that for over 100 years—much more than that—have had the authority under the Planning Act, under the Municipal Act, to determine whether or not an energy project fit into the community and to approve it or not approve it, will no longer be able to say one thing about it, and I think that's very sad.

If you were at the committee hearings and listened to what the residents had to say, the residents came forward and some of them opposed to windmills. To me—and I have to be blunt—I find them rather attractive. I find them rather benign. But I don't live there. It is not up to me to determine whether or not that fits into my municipality. It's not up to me to determine whether or not the land on which they are situated is the appropriate land. It's not up to me to determine whether or not that's the best use of that land. It is surely, though, up to them. So when they were opposed, I wanted to listen to them. I wanted to hear why.

I even went out this summer to look at some of the large windmill farms that you find in the southwestern part of the province. I remember seeing hundreds upon hundreds of windmills just east of Goderich, hundreds upon hundreds of them on the highway. They were, to me, rather beautiful. But I can understand why the adjoining farmers may think this is not an appropriate use of the farmland. I can understand why the people who live on the shores of Lake Huron wonder whether or not this is an appropriate use of the natural resources which they are attempting to use to bring in tourists.

I have to tell you that in larger cities like my own, where it is a gas-fired plant in the very heart of what we dream of as being the new waterfront, the new beauti-



fication of Toronto, when we look at what cities like Chicago or London have done with their waterfronts, or if we look at Spain, at Barcelona, the magnificent job they've done with their waterfront. You have to ask: Is this all we can do in Toronto, dream about a mega gas-fired generating plant? I have to think that surely the residents and city council should have some say in all of this. But unfortunately, as of what happened the other day, no municipality is going to have anything more that they're going to be able to say.

I wonder, in reading this bill—to come back to this bill—we've heard all the lofty statements of the minister. We've heard them all. How long is it going to take for there to be amending legislation to take away the very rights which today we are supposedly granted? I have to ask that question because, quite honestly, the bill is benign. It gives a few little powers here and there to the municipalities, which I'm sure that they would gladly take, and I'm sure that I would want to give in the majority—and I'll get to some of the points later—except that I know and they know that the heavy hand of the province will always be there to take away those same rights that today we supposedly are granting.

We believe in the strength of municipalities, with all my heart, and it's the reason I came here. Because I saw, as a former mayor of East York and as a megacity councillor once the amalgamated city came about, that the cities did not have the power that they required to do the job properly. I came here and that was my sole intent and interest: to make sure that cities, finally, and towns were listened to and that they were observed and they were given the powers and authorities that they needed to move into the 21st century.

Sadly, I don't think this bill accomplishes it. It's not a horrible bill; you know, it's just a bill that's going to do a couple of small things. But the actions of the government, to my mind, speak louder than the bill. What this government promises to do is very easily turned around and taken away.

I don't know whether there's any respect for municipalities. I really have to question that statement. I have to question it in terms of what has just happened as well to the city of London and the Green Lane landfill expansion.

**Mr. Gilles Bisson (Timmins–James Bay):** The cash for trash?

**Mr. Prue:** The cash for crash. Ask the people of London whether the McGuinty government is treating their municipality with respect. I don't live there. I did see a copy of the newspaper, or the articles about the cash for trash from the London paper this morning. I did see that what is being written in that paper and the quotes that are taken from the people who live in the city of London are not very kind to this government. What they see is that they are being used as some form of dumping ground. Now, we ask, if the province is intent upon giving municipalities their due respect, ought not they have to have been consulted by this government?

I know when the government was talking about expanding the landfill site, when the government was talking about making it for a longer period of time, when the government was doing all of those things, the leader of the third party stood up and questioned it. He was pooh-pooed, of course. He was answered almost every day, "Do you live in fantasyland?" He quite correctly asked the members who represent the London ridings—London Centre, London–Fanshawe, London North—if they would sign, saying that they disagreed with the expansion of this landfill site and it would not end up being a dump site for the rest of Ontario. The members from London refused, of course, to sign that. But we all knew in the back of our minds, every person in this Legislature who has been around here for more than a few weeks should have known, what was coming: The people of London would not be consulted, the landfill site was being groomed and readied for some other purpose, and the purpose manifests itself with the purchase by the city of Toronto.

1600

I don't blame the city of Toronto. I don't blame them. This is the mature and largest government of a municipal structure in this country. There are 2.5 million people. As I said yesterday, it is larger than six of the provinces in Canada—larger in terms of population—and it has a larger budget. They have to have somewhere to put the garbage. They had a place. I didn't vote for it, but I think lots of Liberals did. I know my good friend the PA to the minister voted when he was a councillor to send it to Kirkland Lake. I know that other members of the Legislature who now sit on the Liberal benches did the same thing. They voted to send it to Kirkland Lake. But this government determined that the city couldn't send—

**Mr. Kevin Daniel Flynn (Oakville):** You voted to send it to Michigan.

**Mr. Prue:** I didn't vote to send it there any time. Just so you know, I have been consistent, not like some of my colleagues.

*Interjections.*

**Mr. Prue:** Yes. Okay. My friends over here are having a good time laughing at their own foibles, I think, because they remember only too well the inconsistencies of their approach, depending on which seat they were sitting in.

The city of Toronto couldn't send it there. They sent it to Michigan, of course, which was supposed to be a short-term solution. The Minister of the Environment made sure that the city had nothing they could do about this by negotiating a deal that was going to cut it off after four years, in the year 2010, and the city had to scramble to do something else. The city, in its wisdom—I am a citizen of the city only; I am not a member of that council anymore and have not been so for more than five years now. The debate that took place with the mayor and the city council is that they had to find another long-term solution. They knew that shipping it to Michigan was short term. They knew that at some point governments in the United States would turn around and try to stop the



garbage and they knew that they had to find another alternative.

Many people in the city of Toronto question the wisdom of burning garbage. They question gasification. They question any of the other technologies that may be used. For them, the alternative is a dump site. I'm not going to go into whether or not that is the right alternative; that's their decision. Those are the elected members of the city of Toronto, the ones you say you want to work with and the ones you empower to make the decision. They have decided to purchase the site.

What we have now, though, is a war between two cities: a war between the city of Toronto, which needs to find a place to put its garbage and chooses not to gasify or incinerate it, and the city of London, an equally prosperous and lovely city that says they don't want Toronto's garbage in their backyard. I understand both positions, and surely the government must understand both positions. But in washing your hands of this, you have not treated the municipalities in a fair and equitable way, nor have you treated the citizens of those two municipalities in a way that you yourself would want to be treated. You have treated them as second-class individuals. You have treated them like the province has always treated the cities, as being mere small-time players, under every whim of the government of Ontario.

It is not surprising that the people in London are upset. People all over Ontario are probably upset too, because they see this as another wasted opportunity. Where are the lofty goals that this government set for itself in the last election? Where is the 60% diversion rate that was promised? Where is all of the organic waste being separated out? This is right on the bill.

**Mr. Mario Sergio (York West):** Is this Bill 130?

**Mr. Prue:** I'm sure it is. Have you read Bill 130, my friend?

**Mr. Sergio:** Yes, sir.

**Mr. Prue:** And you don't think this is part of your bill?

*Interjection.*

**Mr. Prue:** Yes. I am speaking to 130—

**The Acting Speaker:** I'd like to be involved in this discussion too and would ask the member for Beaches—East York to address his comments to the Chair.

**Mr. Prue:** I just want to remind my friends who perhaps were not here the other day that, had they listened to the minister and to the parliamentary assistant, they would have said—

**Mr. Sergio:** Yesterday.

**Mr. Prue:** —yesterday—they would have heard that this bill is one of a compendium of bills which are all intertwined. They're all intertwined, and it's very difficult to separate one out from another. I'm going to get to the actual meat of this bill within my hour—I promise you, the actual points of this bill—but they are all intertwined and they all need to be dealt with.

If the government of Ontario does not do what it says it will do in helping the municipalities to divert the waste, how can one fault, then, the municipalities who are

unable to divert the waste by their own means and with their own monies, if they are unable to meet the 60% target set by this government to do anything but what they have done, with the consequences to both the people of Toronto and the people of London?

It's very disappointing for the people of southwestern Ontario to learn that this is a political deal. It's very disappointing for them to learn that amounts of cash changed hands, amounts of cash went to the governing party. As the person who owns Green Lane said yesterday and was quoted today in the paper, it made all good business sense to him.

*Interjections.*

**Mr. Prue:** We're looking for respect. We're looking for respect for municipalities. Unfortunately, we have found that very, very little has changed in terms of the respect for those municipalities.

Turning to the actual meat of the bill, there are six provisions.

My friend here in front of me, the member from Timmins—James Bay, wants, since there was some heckling on this point, to actually quote Green Lane owner Bob McCaig as he is quoted in today's Toronto Sun, page 9, September 26, 2006. It's the last paragraph of the article: "Green Lane owner Bob McCaig says he donates money to the Liberals and Conservatives because 'it's good business.'"

**Mr. Bisson:** You're telling me. He got a big contract out of it.

**Mr. Prue:** Let's just put it that way: He thought it was good business. Obviously, you did too.

The bill itself, Mr. Speaker—

*Interjection.*

**Mr. Prue:** No, no, no.

Okay. The first provision which we find that ought not to survive committee hearing is that which talks about closed council meetings. This bill proposes to allow council meetings to be closed to the general public, the press and anyone else other than the council members when, and I quote, "it does not materially advance decision-making."

What does that mean? That any council given this authority can say, "We are going to go into closed session." In the past, they could only do so under two circumstances, and I remember those only too well. The two circumstances were, one, if it involved the sale or the purchase of land—sorry; there were three. The second one was when it involved a legal dispute that was before the courts and it was to instruct the lawyer. The last one was when it involved personnel of the municipality. Those were the three grounds. There were three grounds only. But as of the passage of this bill, should this provision pass, there will be a fourth provision, a very nebulous provision which any council can do. They can say, "We're going to go into private session and we're going to discuss this amongst ourselves, but we promise you that we are not going to materially advance decision-making. We're going to have any and all conversations we want, but we're not actually going to vote. We're not



going to vote to proceed. We're not going to vote to send it to a report or to ask for a legal report, but we're going to sit down amongst ourselves, we're going to hash out a deal and we're going to come out and say that nothing happened."

I really find this appalling. I remember only too well in this Parliament and in the previous Parliament, the member from Sarnia, who is now the Minister of Culture, had a private member's bill. It was a good bill, and it's died, of course, on the order paper because she's now the minister. But it was a bill to ensure that there would not be any of these private meetings, and we all supported it. Everybody who has been in municipal government before, anyone who has ever been a councillor, a mayor or a reeve, anyone who has ever been there before knows that you cannot have these little private meetings of councillors and expect that the public is going to think this is okay. Too many deals have been made in too many ways in this province in the last 100 years to say that this is an acceptable practice, yet this bill will allow it because it's very nebulous. It opens the door for any member of council or any mayor to say, "We had a private meeting, but we did not materially advance decision-making." And what happened there? Who will know? Who will know what was said? I have to question whether this government really wants to go down this road.

1610

The citizens feel that they are no longer part of the process, and this is particularly true in those cities that were forcefully and forcibly amalgamated. If you go into places like Toronto or Hamilton or Kawartha Lakes or Ottawa or Chatham and all of those other places where the citizens continue to dream about de-amalgamation, where they continue to think that that which was most lost in the process was the right to influence the council, their right to be present, their right to have their neighbours and their neighbourhoods considered in the decision-making process, they are the ones who have suffered the most, and they are the ones who are going to suffer the most here, because if there has been one thing that has been lost more than anything else in the forced amalgamations of those places, in the making greater the citizenry of any single municipality, it is that the citizens no longer have the control, no longer have the ability to influence council as they once did. That is very sad when this particular provision will be added on top of it. If you want citizens to be upset about their municipal governments, I can't think of anything you could do better than to add this provision.

The second one is the appointment of an individual to investigate public complaints. Ordinarily, this may be a good thing, but it depends who is appointed. It's not clear from the bill who can be or who should be appointed. When the city or town sits down and says, "We are going to have an ombuds-type person look at complaints," is this person going to be an employee at the city? Is he or she going to be picked by the council or by the mayor? Are they going to be beholden to the council or to the

mayor? Are they going to have to use the principles of proper hearings to make sure that they're held independently and fairly? None of that is spelled out in the bill, and we need to know that. Although I am not opposed to the idea of having an ombudsperson, there is nothing here that would clearly indicate to me that the ombudsperson hired by any of the cities or towns would have the same responsibility, the same jurisdiction and the same clout that the Ombudsman has here in the province of Ontario.

We have to question the bill because there's no cost provision. How can a municipality afford to hire such a person if, indeed, the municipality is one of the more than 400 or so in this province that has 10,000 or less people? The majority of towns and cities in this province are small, although most people live in the big ones. The majority of those councils are small and may not have the wherewithal to hire or to take the money.

What is the hiring process? I've touched on that briefly. What is the hiring process, how are they to be chosen and, once chosen, who would hire and fire them? You also have that problem if the ombudsperson uncovers wrongdoing by the city, by the council, by the mayor, whether or not the council would then have the authority to fire the same person they have hired to investigate them.

We need to know what the powers of the ombudsperson are going to be, and we need, most essentially, to know for those small towns and municipalities what the fallback position is when they do not have the money, when they do not have the wherewithal to hire such an individual. When they send it to the province of Ontario, what clout will the Ombudsman of Ontario have? Will he have the budget? Will he have the staff? Can he undertake to go off and look at these complaints?

I do know that the system we have now has not worked. I remember only too well in the city of Toronto what I thought were two absolutely excellent cases of malfeasance among councillors of the city of Toronto—from a former council, not the ones who are on there now—who, in the citizens' view, disobeyed the laws that got them elected. The citizens brought forward, I thought, absolutely compelling evidence of wrongdoing under the Municipal Act, under the Elections Act, without a doubt in my mind establishing a *prima facie* case that people who had run and been elected to council had done so illegally.

The council, under the leadership of then-Mayor Lastman, determined that, "No, we weren't going to go there," and there wasn't an ombudsman, but there was a council that did it and the citizens were stymied. In the unlikelihood of their finding the tens of thousands or hundreds of thousands of dollars for legal counsel, it was a dead-end issue because the council refused to act. We need to know that an ombudsman will have that authority and will not be afraid to do so.

If there is one good thing in this act—and I always try to find one good thing; I like to talk about that—it is the provision for community councils. We know amalgam-



ation in the larger cities has not worked, because people have lost touch with their neighbourhoods, with their communities and with their elected representatives. I commend the government for what they've put in here on community councils. I expect to see this in an election brochure at some point, just this section of the speech saying that I commend them. But it is important that the decision-making go to the lowest possible level of the government, and in this case it is important that it go back to a community council.

In my own city of Toronto, the community councils are hardly of a community nature. There are four of them in a city of 2.5 million people; therefore, each community council has 600,000 people, which is, just to put this in perspective, about half the size of the greater city of Ottawa, about the size of Mississauga or bigger than every other municipality in Ontario. I see my good friend here from Peterborough. How many people are in Peterborough—100,000? A community council in Toronto is six times as large as that and is supposed to look at the neighbourhood. I don't know how a neighbourhood six times the size of the city of Peterborough can be considered much of a neighbourhood. It is clearly an idea that has not worked, and I was heartened to see that there is some debate taking place now in the city of Toronto about community councils better reflecting the neighbourhood, including a column in the *East York-Riverdale Mirror* last week by my friend and neighbour Joe Cooper, who wrote about the necessity of having at least 11 community councils in Toronto, reflecting about 200,000 people each, so that we at least have some semblance of neighbourhood.

I commend the government for putting this in. I only hope it will work. We look to see how this is going to be fleshed out, some of the arguments that might be brought forward in committee, some of the changes that might be made. But if there is any hope at all for the amalgamated cities, especially the large ones of Ottawa, Toronto and Hamilton, it is that local control is again vested locally and ordinary citizens have a right to come forward and be heard.

In the question of appeals, number four—this is appeals of decisions of the committee of adjustment—we look at this and we see that it too may or may not be a bad idea. It all comes down to who is going to pay for this. We know that now it goes before the Ontario Municipal Board; we know that the costs are largely borne by the board, the province of Ontario. But if the cities and the towns themselves want to go that route, want to set up their own bodies, who is going to pay for it? I am afraid that in the majority of cases of the 450 municipalities in this province, they will not have the money, the wherewithal to do it, and that this idea, although it may seem like a good idea to bring back some sense of community control, will not happen because of the costs. I look forward to the government members in committee describing exactly whether the necessary monies will be made available to the communities, to the municipalities in order to ensure that this happens.

The fifth thing I'd like to see in this bill that I don't see—we saw it in the City of Toronto Act. I know it caused my friends in the official opposition some considerable consternation that the city of Toronto was going to get some kind of taxing authority so that they would be able to tax, in certain small ways, parking, theatre tickets, the amount of money that was paid on a drink in a restaurant, in order to gain some revenue. Generally speaking, I don't think the municipalities are looking for these types of funding. I certainly know the mayor of Mississauga, who was clearly heard by every person in this Legislature—when she speaks she can be very forceful—says that that's not the money they're looking for. But I have to question, if the government of the day thought this was a good thing for the city of Toronto and insisted, under a considerable barrage from the official opposition, on leaving that provision in, why have you taken out that selfsame provision for large cities in Ontario? Why, if it's good enough for Toronto to raise funds in this way—and we've heard the figure of as much as \$50 million might be raised in Toronto if they fully extended and took the opportunity of what you gave them in the City of Toronto Act—why can't Hamilton do it, why can't Ottawa or Mississauga do it?

1620

If you are trying to be fair to the people of this province, no matter where they live, and if they live in a large and mature city, if they live in a place that has lawyers and accountants and a civil service and a structure and can monitor it, I fail to understand why the citizens of Hamilton should be treated differently than the citizens of Toronto. I fail to understand how the citizens of Mississauga, living right next door to Toronto, cannot have, and the council cannot have, the same rights that the council and the citizens of Toronto have. I fail to understand why Ontario's second-largest city, Ottawa, cannot have those same rights. Perhaps the government members, in speaking to this bill, can explain why only the city of Toronto can raise extra revenues, that the City of Toronto Act has this provision, and every other municipality, all 450 of them in Ontario, is shut out. Particularly, if you can tell me why the largest cities in this province are shut out in this way, I would be very anxious to hear that, because in that absence, I think this is another mistake you're making in this bill.

Sixth, I want to talk about electronic meetings. My God, what a bad idea this is. Electronic meetings. I can see it now: the mayor or a member of the council lying on the beach in Acapulco with his cellphone to his or her ear and a margarita in one hand, saying, "What's going on in there? I'd like to vote." That's what you are going to allow, you know; that's what you are allowing. "I'd like to vote. Now, I know I don't count as quorum because I'm not physically there, but you do have five members of council. A couple of us are down here at this great party with a margarita on the beach, and we want to vote." This provision allows for electronic voting. They're not there. They don't hear the citizens. They don't hear the arguments. I guess you can hear them if



they are being said loud enough on your cellphone, but they are not there to read the reports, they're not there to hear the citizens, they're not there to hear the arguments of their fellow councillors, they're not there to make quorum, but you want to let them vote.

Are you going to extend the same thing to this House? No one has ever voted in this House electronically. If anyone tried to do it, I'm sure all hell would break loose. I'm sure, Mr. Speaker, you know that. If somebody phoned in right now and said, "I want to vote," I don't think you'd let them. But that's what this government wants to do for 450 municipalities: to have someone who is not physically present, someone who has not heard the arguments, someone who cannot look the citizens in the eye, someone who cannot ask questions or did not ask questions of the staff at the meeting—they want to allow for electronic voting. It is, with respect, a hare-brained idea. It is not one that is allowed, as far as I know, anywhere else in this country; certainly not in the Parliament of Canada, certainly not in any of the Legislatures. Until this bill and when this bill and if this bill passes, it will be the first time that municipalities can just have someone on vacation vote electronically, no matter where they are in the far corners of this world. They just have to phone up and say, "I cast my vote with this side or that side."

I oppose it. I oppose it for exactly the reasons that this Legislature has never allowed it in the past. If it's not good enough for us, why is it good enough for them?

There's nothing in this bill that allows or talks about funding. If there is one single problem that the municipalities of Ontario have, it's that they don't have enough money. They don't have a way of getting the money. They are mired in an antiquated system of our own making, where they have to get the majority of their money from property taxation. We know the property taxation system is not good. The government has decided to set up a task force and report after the next election. I don't think that's a good enough answer, but that's the government answer. But even they realize that the system is not a good one. People's ability to pay is not necessarily reflected in the value of their home. We all have archetypal evidence of people who have saved their whole lives—widows and people in their homes—to retire in their home, only to find that it's now out of reach, that they can't afford the taxes. Their income is not as great as the home they have spent their whole life working for. In many cases, they are forced to sell and to lose the most valuable asset that they ever had or in many cases that they ever wanted. We know that system doesn't work for them, but we must also recognize that it does not work for the municipalities.

Now, I was heartened in part when the Liberals came up with the two-cent gas tax. I want to commend you for stealing my idea. It was a good one, and it was in our platform first. It came to your platform a few weeks later.

*Interjection.*

**Mr. Prue:** Yeah, okay. Ours was for three cents, but that's notwithstanding. You still took the guts of the idea, and it worked. Two cents was a good thing, but we need

to find other ways to get money for municipalities. We need to free them up to find ways, and we need to end the downloading. If there is one thing that is hurting us and holding us back from our cities being truly great, it is that they are hamstrung by the taxes that people are paying on their properties.

We need to find ways. This bill does nothing. There is no new funding mechanism for municipalities, and that has been the failure throughout. Without the additional monies, our cities are going to start a downward spiral. We saw this happen in the United States, sadly, for too many years while the big cities went to wrack and ruin. We have seen, though, that governments in that country have started to recognize that this is not the way things should work. Monies are pouring into places like Cleveland and Boston and New York. Monies are flowing into Los Angeles. Monies are flowing into smaller towns and cities right across the United States, and you are seeing a rebirth of their urban structure.

We need, as a province, to do much more than simply tinker with who can do what and whether or not speed bumps can be put in without the permission of the minister and all of those arcane things that are found in this bill. What we really need to find out and what we really need to do is to make sure that money starts to flow to the jurisdiction that needs it the most.

I woke up this morning, I read the front page of the *Toronto Star*, and there it was: The government of Canada is running a \$13.2-billion surplus, and the government of Canada, in its wisdom, is going to further cut another billion dollars out of expenditures. So there it is: They're going to have \$14.2 billion, I guess, by the end of the year in surplus.

I'm just wondering, is this what we truly want to have in this country: a surplus at one level which is enormous by any standard, and cities and towns and school boards at the other end coming running to the Ontario government, trying to find funds which, sadly, are not there?

We need to restructure. Just as the Premier talks about restructuring the fiscal imbalance between the province and the federal government, we in the province need to see that there is an equally large and perhaps worse imbalance between this province and the municipalities of this province.

**Mr. Jeff Leal (Peterborough):** Solve one and apply it to the other.

**Mr. Prue:** My friend here is saying, "Solve one and then apply it to the other." I think you cannot solve the first one and then hope for the second one. You have to solve them both simultaneously if it has even the slightest chance of working.

I'm asking that this be done. I'm asking that, within the provision of the bill, we start to look at how we can flow monies more readily, more easily, and without hindrance to the municipalities.

If you listen to the municipalities today, their number one concern is the provincial downloading and the Ontario municipal fiscal gap. There is approximately \$3 billion taken from the ratepayers of the province of Ontario,



the ratepayers of the various municipalities, which goes to provincially funded programs, those programs being health, being ambulance—

**Mr. Flynn:** GO train.

**Mr. Prue:** No, not GO train. You're trying to confuse me here.

Health, child care—there's one more. Anyway, there are four of them. There are only four, and it's about \$3 billion. We think the province needs to start uploading the download.

We've heard once in a while that there is some little, tiny talk of uploading the download—the land ambulance, a little bit of money changed hands; a little, tiny bit of money shifted in terms of health.

**Mr. Leal:** Public health—upload.

**Mr. Prue:** Okay, here it is. Here it is.

**Mr. Bisson:** No, they haven't. They're trying to say they've uploaded.

**Mr. Prue:** They haven't uploaded. They haven't uploaded in any meaningful way whatsoever. And this is the really sad reality: There is about \$3 billion. You chose to upload a couple of million. I ask you to do the percentage in your own head. It is very, very little, and the cities and towns are asking for a great deal more.

1630

The cities and towns are asking for a great deal more in your other legislation. Look at the Clean Water Act: How are little, tiny municipalities supposed to comply with the Clean Water Act? My own parents live in a little, tiny town—you know; I've talked about it before—near Bancroft. The West Highlands is the name of the town. It's an amalgamation of three even smaller towns, Cardiff being the one they live in. There it is: They are wondering today, the town council there—and I read the paper when I was there in the summer—how they're ever going to afford the provisions of the Clean Water Act. The total population is 3,800 people. It used to be three towns. How are they going to do it unless there is provincial money? There's nothing in these bills. Sure, they can have secret meetings. Sure, the mayor or the reeve can phone in from Acapulco. But where are they going to find the money?

*Interjection.*

**Mr. Prue:** I'm sure he might want to go there, I don't know.

*Interjection.*

**Mr. Prue:** You're giving him that authority. Whether he exercises it or not, I don't know. Okay.

**Mr. Leal:** He should come to Peterborough.

**Mr. Prue:** I'm sure he does. I'm sure that's the big city.

I've just about run out of time. I just want to say that when this goes to committee, we expect a great deal more. I'm hoping that the really onerous provisions are withdrawn and that this government starts to look at proper funding.

**The Acting Speaker:** Questions and comments?

**Mr. Peter Fonseca (Mississauga East):** It's a pleasure to speak on Bill 130. I have to commend Minister

John Gerretsen and his parliamentary assistant, Brad Duguid, for the fine work that they have done.

If we look back at the many years of Tory rule here, under those eight years there was a lot of trickery that was put forth in this House where they were telling the people of Ontario, "We're going to cut your taxes and we're going to keep the same amount of services." Well, what the municipal politicians will tell you across this great province, what the mayors are going to tell you, is that what they did is in a draconian fashion download everything onto the municipalities: the downloading of public health, downloading of transportation, downloading of affordable housing, social services. It went on and on and on. And how would it affect us? Many constituents coming into my office talk about how the property taxes have increased and how they're on a fixed income and talk about what the Tories did. Now they're starting to feel the real impact of what the Tories did over those eight years.

What we've done is reversed that trend. We see municipal government as mature government. Through this legislation, we want to give them permissive powers, and we have started the trend towards uploading in a partnership with our municipalities: uploading of public health, uploading of ambulance, uploading of social services, working to better transportation for our municipalities, all this leading to a better quality of life for all our citizens, a partnership between all levels of government, because we know, as Liberals, that working together we will achieve more. We are about working together and making sure that the municipality's voice is heard and heard loudly in this province.

**Mr. Norm Miller (Parry Sound-Muskoka):** It's my pleasure to add some comments to the speech of the member from Beaches-East York on Bill 130, which is the Municipal Statute Law Amendment Act, 2006. He was talking about municipalities being affected by energy projects. At this time, in the riding of Parry Sound-Muskoka, I have some 20,000 people who are being affected by a lack of power in that there are some 20,000 Hydro One customers who have been without power since Sunday. It may not be until Wednesday evening that all the customers are back and have power restored. This is the second significant storm we've had and major long-term outage we have had since October 2. I say that Hydro One should be doing more to put resources into line and forestry maintenance so that this doesn't happen. I've just recently heard from an elderly constituent in Torrance, who is 94 years old. He's a veteran, he's on a pacemaker, and he won't have power until tomorrow night. There are other issues, like the cost of freezer contents that have to be thrown out and replaced. The Hydro One response on phones is such that they are getting inaccurate information on when the power will be restored. Constituents are being told that they are in a remote area. Well, they aren't on Baffin Island; they're only a few hours north of Toronto.

Area schools are being affected, like Almaguin Highlands Secondary School, Evergreen Heights Education



Centre in Emsdale, M.A. Wittick and Land O'Lakes in Burk's Falls, Magnetawan Central and Sundridge Centennial.

These frequent and long-term power outages are unacceptable. Hydro One has got to do a better job.

**The Acting Speaker:** Further questions and comments? The member for Timmins-James Bay.

*Applause.*

**Mr. Bisson:** Thank you very much, my friends. I'm so happy to be back. It's been a long break and I've missed this place so much.

I first of all want to say that I enjoyed the comments of the member from Beaches-East York because this is something that he has taken a lot of interest in. I have talked to my good friend about this a number of times. He comes from the municipal level of government and has always felt that municipalities should have more power to be the masters of their own destiny when it comes to being able to fund the services they provide.

He and I have a bit of a difference of opinion about how would you go there. One of the things that I don't like, and you see it in this bill—first of all, the government has taken an approach of saying with the city of Toronto, "We're going to give you some additional taxing powers in order to offset the downloading that the province has put on to the municipalities." In this particular bill, they don't go there. If they had gone there, my criticism would have been the following: It's quite one thing for the city of Toronto to go after big high-rise buildings, to tax those or multiple residential units in the city, but when you get into small towns across northern, central, southwestern and southeastern Ontario, there isn't the tax base. As the member pointed out correctly, how is the small community that his parents live in—some 3,800 people in total within the amalgamated town—able to find the money to offset the costs that the province has downloaded on to the municipalities?

It's kind of ironic, because the provincial government has been arguing through our Premier, Mr. McGuinty, that the federal government has created a fiscal gap between what we get from the federal government and what we used to get, so that the gap is getting larger—and all of us agree—but in the same breath he's doing the same thing to the municipalities and is doing nothing to close the gap that the municipalities find themselves in by some \$3 billion in shortfall to pay for provincially mandated services that we tell them that they must provide. You can't say to the federal government one thing and then go do the exact same thing to the municipalities.

**Mr. Leal:** I listened very carefully to my colleague the member from Beaches-East York. I recognize a respected former mayor of East York, who knows the municipal file very well.

One of the things that I think is very important about Bill 130, for a person who spent 18 years in municipal politics, is certainly the reform about how closed meetings operate. Essentially, under the Municipal Act you can hold closed-door meetings dealing with personnel

items and negotiations with unions, to provide legal advice on legal activities associated with the municipality, and development matters dealing with the sale of properties. Those are the big three that really control what happens in closed meetings. But I remember that from time to time during my 18 years I actually left closed-door meetings because some councils could get very lazy and start including things in closed-door meetings that I always felt should be in the public domain and discussed in a very public fashion. There always has been that temptation to move a number of topics into a caucus or closed-door meetings. I note that under Bill 130 there will be the opportunity, I believe, to protect the public by putting an investigator in place to take a look at those times when councils go into closed-door meetings and, frankly, don't have the legislative authority to do so. I think that's an important protection for the public.

I just want to get on record Roger Anderson, the past president of the Association of Municipalities of Ontario, when he stated, "Ontario's proposed Municipal Act recognizes that municipal governments are respected, responsible and accountable municipal governments, and that with improved legislation, we can better serve our communities." I think that's a very important statement by the former chair of the Association of Municipalities of Ontario to endorse this legislation.

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**The Acting Speaker:** I return to the member for Beaches-East York, who has two minutes to reply.

**Mr. Prue:** I'd like to thank my colleagues from Mississauga East, Parry Sound-Muskoka, Timmins-James Bay and Peterborough. You have all raised relevant points, and I thank you for listening. You all talked about things that I raised in my one hour of speaking time.

Just a couple of points to make sure that they're clear on the record, and I don't want to ever disagree with my good friend from Timmins-James Bay, but for the record, what Toronto has been granted has nothing to do with their industrial or tax base. It has to do with the ability to tax parking lots, drinks and theatre tickets, if and when they should ever decide to do it. So any municipality could do that, but I do recognize that the number of parking lots and theatre tickets is probably a great deal larger in Toronto than in most municipalities in Ontario.

In terms of what my good friend from Peterborough had to say, I agree that most municipalities will like what is being said here, but I do have to take exception to his analysis. He's right: There are only three times—and I pointed out those same three in my speech—when you can go into closed session. I too have walked out of meetings where I did not believe that they should be in closed session, particularly in the megacity of Toronto—not so much in East York when I was the mayor; I would never allow that to happen. But in the megacity of Toronto, we had to ask time and time again, "Why is this in closed session?" because people naturally wanted to gravitate there.



In this bill, notwithstanding that there's going to be somebody watching it, I wonder about the provision that says, "does not materially advance decision-making," which allows them to stay in there. That is a catch-all. Any mayor and any council can say, "We're not materially advancing, and we're sitting here," and that causes me a great deal of nervousness.

Having said that, yes, if there's somebody there to police it, fine. But this is a "may" provision and the municipality has to have the money to do it. The majority of municipalities in Ontario simply will not have the money to hire someone.

**The Acting Speaker:** Further debate on the bill?

**Mr. Sergio:** I am delighted to join in the debate on Bill 130 today. Let me say that I have enjoyed very much the contribution by the member from Beaches–East York. I know he comes from the local municipal level and he carries a lot of experience. He has dealt with a lot of the issues that local municipalities are facing on a daily basis. I guess it is a different way of interpreting the benefits of the contents of Bill 130, and that's where we have the difference. But he is in the opposition, and of course he has to do what he has to do.

Let me say that early in our mandate, our leader recognized the importance of bringing some changes to the local municipalities, the Municipal Act. I would have to say that the Minister of Municipal Affairs and Housing took up the challenge or made the commitment, and today we are about to deliver, indeed, on that particular commitment.

Let's find out, first of all, how we got here. It is because municipalities, for a long time—and this didn't happen in 2003 or 2006; this has been happening for a long time—have been requesting of the upper-tier government, which is the provincial government, more flexibility, more power to run their day-to-day affairs. Unfortunately, not much was done, but we have to recognize—and I think this is the importance of this bill and the importance of the government having recognized the importance of that request—that municipalities have a right to conduct their day-to-day affairs on behalf of the citizenry that they represent in a much more accountable way, flexible way, expeditious way, effective way. Our leader has recognized that, and Minister Gerretsen, the Minister of Municipal Affairs and Housing, in his contribution yesterday, his remarks on the bill, has made it quite clear. So the bill comes to us not on our own whim; this comes to us after extensive consultations with the various agencies, commissions, individuals, groups, union representatives, various industry sectors, municipal organizations, mayors, councillors. We recognized that there was a need to make changes so that they can indeed conduct their business their own way, provided that they know what they are doing. And we believe that they know what they are doing; otherwise they have their local constituency to deal with. I think it's fair to recognize that. I think it's fair because when the local municipality makes a decision, it's a local decision. It affects the local constituents and it should stay with the local municipality.

I come from a municipal government as well, and I remember all too well, as do many other members on both sides of the House, the frustration, the aggravation of having responded to the needs of individuals or groups and having spent time to deal with the various issues, and when you finally bring it to your own local council and you make a decision, then you say, "It's not final. Now we have to ask for permission or approval or a final bylaw or whatever from such-and-such ministry." I believe that this is not fair. So we have recognized that. We believe that the local municipalities have the right to conduct their business.

What are some of those things that they can do with respect to the powers in Bill 130? Yes, we give them more power. This bill gives them more power; as a matter of fact it gives them broad powers. But what does that power do? What are some of those powers? It's to deal with their own financial accountability, their own financial affairs, financial management, transparency. "Transparency" is a very big word at the local level, the provincial level—at any level—but I think more so because it is the local government that touches so closely the people we all represent on a daily basis.

Governance structure: If they want to make changes to their own council, especially if minor, why should they finally, after long debates and once they have decided, have to have the blessing of the provincial government? Passing of local bylaws, protecting the local affordable housing stock, promoting local economic growth, the power to create boards and commissions, the power to hire, as we heard, ombudsmen or integrity commissioners—why shouldn't they have the power to decide, to take that upon themselves and let that decision be final? This is one of the things that is not coming out from the opposition with respect to the content of this bill. On many of these issues a local decision, made for local improvements, for local benefit, should stay there and should be final. That's their decision. We are talking about local issues.

The member from Beaches–East York has touched on a couple of other bills because they are intermingled—especially Bill 51. There are issues in that bill very important to the necessity of local municipalities to deal at the local level with those issues, especially when it comes to planning: how planning is done; appeals to the Ontario Municipal Board; when an application is complete or incomplete; time limits to deal with a particular application; who has the right to appeal to the Ontario Municipal Board. Yes, he is quite right; there are a number of other bills which deal with local municipalities, local issues. And he's quite right that indeed—and I was on the same committee. We heard the same people, we had the same people with the same complaints, the same concerns, and we had people saying, "Yes, we do need these changes." And we have responded.

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I do hope that, at the end, both oppositions will see, indeed, that the bill contains, I would say, those require-



ments that are so necessary to allow local municipalities to conduct their affairs in a very straightforward and very effective way on behalf of the people they represent.

We have had representations from school boards. You may say, "What do school boards have to do with that?" They have a lot to do with that, especially with Bill 51, which the member from Beaches–East York has mentioned. It deals with what you may call a very simplistic issue, a very simple issue. It deals with locating portables on a school site. Do you believe that the local municipalities should have the power to decide where the portables should go, how the portables should look, or somebody else should say, "No, no, no. I don't like the look of this portable. It's painted white. I want it blue," or, "It should be one foot higher or one foot lower," or, "It should be at this location in the parking lot there, instead of this particular spot here"?

If we cannot give the local municipalities, the local communities, that particular authority, then I believe we are not doing the right job; we are wasting our time. And that's important. Time is important, especially to local communities, local individuals and local councils. Why do they want that? Why does a local board want that? Because they understand. They understand that it's important for them to make a decision, make a quick decision, make the right decision, and that decision should stay with them.

Can you imagine, if we are at the end of August, the school year is about to open, they have to set up 20 portables and one particular person, because they may not like whatever—the colour of the portable—is going to appeal it to an upper body and waste perhaps months and months at a time? I don't think it's fair.

We have recognized a need. We have allocated that responsibility. The minister has brought in a bill that is supportable. I have to compliment not only Minister Gerretsen but the parliamentary assistant, who has had considerable time in dedicating that to the various public hearings. I hope that at the end we can have a bill that indeed will give municipalities the power they need to run their own affairs.

I do thank you, Speaker. I have run out of my time. I do thank the House for listening.

**The Acting Speaker:** Questions and comments?

**Mr. Miller:** It's my pleasure to add some comments to the speech from the member from York West on Bill 130. I certainly recommend to government members that if they want to know how municipal politicians in northern Ontario, particularly in northwestern Ontario, feel about the way they're being treated by the McGuinty Liberal government, they should tune into CBC Thunder Bay and listen to some of the clips on the recent Northwestern Ontario Municipal Association conference, where they'd have an opportunity to listen to over five minutes of clips from Mayor Dave Canfield from Kenora, Mayor Lynn Peterson from Thunder Bay, Mayor Anne Krassilowsky from Dryden and Mayor Michael Power from Greenstone, who's also the NOMA president. They need to hear those clips because they'll

understand how neglected those mayors are feeling right now. They use quotes like they have a wall of silence, they have no response to their letters. They highlight in those clips the Minister of Energy's callous comments in Sudbury when he did his energy announcement, where he was asked about what northerners should do about dealing with high energy costs. Michael Power paraphrased it in saying, "Too bad, so sad. Turn down your thermostat, put a blanket around you, drink some good red wine and cuddle up with somebody you like." I tell you, you should listen to those clips, because you'll realize from the emotion of the mayors speaking that they're very strong and they very much feel neglected by this government. The government is not dealing with energy prices, which are affecting the forestry sector and creating a crisis in the forestry sector.

**Mr. Bisson:** Again, I'm going to get a chance to speak to this in a little bit more detail a little bit later, but I guess my problem is that, although I agree with the principle of what we are trying to do here in regard to trying to give municipalities the ability to deal with the fiscal inequities they have, caused by the province down-loading much of the responsibility for provincially mandated services on them, and we're trying somewhat in this bill to do that, I don't see this bill doing anything for the communities I represent that would, in a meaningful way, deal with those shortfalls. We know that there's about a \$3-billion funding gap between what we mandate cities and towns to do in this province and what they actually get from the provincial government when it comes to transfers and what they're able to raise as far as capacity of taxing their citizens and businesses.

There's a \$3-billion shortfall, and that \$3-billion shortfall is causing many cities and towns across Ontario to not be able to fix their aging infrastructure, and we all know that in the long term that's going to cost a lot more money. Changing a water plant today is going to be a lot cheaper than changing a water plant 10 years down the road, etc. Although the bill title sounds good and what we're trying to do as far as the purpose of the bill is all right—I guess I don't have a problem in principle—it doesn't go anywhere to dealing with it. I'm just saying that we need to, in a serious way, take a look at: Do we want to continue mandating these services? That's the first question we have to ask, and I think the answer is yes. If that's the case, how will we then assist municipalities in having the wherewithal to fund those services and fund the infrastructure that they need to maintain in those municipalities?

I am not a big fan of giving them more taxing powers, although we're not doing that in this bill, because at the end there's an inequity in that, depending on the size of your community, and I'll speak to that later. The basic issue we have to look at is: What are we prepared to do as a province as far as transferring dollars to our municipalities to assist them in doing the things we tell them they must do by provincially mandated laws?

**Mr. Bas Balkissoon (Scarborough–Rouge River):** I am pleased to rise and speak on the second reading of



Bill 130 today. This bill is doing what the government said it would do. It's going to provide broader, permissive powers to municipalities. I just want to comment and add to the debate of my good friend from Beaches—East York, a former colleague of mine in the city of Toronto, and what he was saying about the bill: that the bill opens it up so that councils can go in camera and have a discussion, but don't advance any decision-making process.

In my 18-year career in government, I'll tell you that there have been several times that councils would have liked to go in camera without the media there, because a discussion will take place on an issue, the media will put it out and then the public believes we are doing it. I'll give you some perfect examples. As a council, you would like to meet to discuss strategy for the next two or three years of your term. This is a pure discussion so that your staff will have an understanding of where the council is coming from. There will be no decisions, but the staff will then prepare a strategic directions document that will come to committee and council, be debated and be adopted by resolution. In the initial stages of those discussions, if you invited all your council members and all your staff there, the meeting had to be open to the public. That was not very conducive to conducting business, and it did not advance the municipality's best interests and the interests of the voters.

That's where this bill gives the municipalities a lot more power. I think it's good power. I think the public elected these people to represent them and has to put a lot of trust in their hands, a lot of integrity to these members who were elected to represent them. I could see that what the McGuinty government is doing here is supporting and respecting municipalities.

**Mr. Robert W. Runciman (Leeds—Grenville):** In terms of supporting municipalities, we could point to a number of municipalities who would have a different perspective with respect to whether or not they're getting adequate or any support from the McGuinty government. London is a case which we can talk about a little more as we go forward: the decision to truck in Toronto's waste without consultation with the council in that area.

Another relevant one is the Caledonia situation, where that municipality has been left twisting in the wind. Our leader, John Tory, raised the issue today with the Premier, who again refused to respond to his questions with respect to Caledonia and the people who live in the general area where the land has been occupied for over half a year and the fact that we know their properties have been devalued dramatically. There's no effort on the part of the government to involve MPAC to do special reassessments. That's one initiative that could be undertaken to recognize the dramatically reduced property values and how that might impact on property taxes that the municipality is levying across the municipality in the upcoming year. Even rebates for the past year I think could be taken into consideration given the devaluation.

1700

The other thing we know is that there's noise, harassment, a whole range of very serious matters that have

impacted the residents of that community; tax losses which again are not being recognized to any significant degree by the McGuinty government. I think that's an indicator that when a municipality gets into real difficulty, the McGuinty government will be missing in action.

**The Acting Speaker:** The member for York West has two minutes to reply.

**Mr. Sergio:** I want to thank the members from Leeds—Grenville, Scarborough—Rouge River and Timmins—James Bay for their contribution, as well as the member from wonderful Parry Sound—Muskoka, which I'm sure at this time of the year must be just about ready to turn into the many colours. I'm not privy to the comments or the views that the mayor of the Muskoka area may be thinking about the government, but I really wonder what they would be saying about Bill 130. That might perhaps be something interesting to know.

Part of the consultation process was to consult very expensively—extensively, and maybe expensively as well—with AMO, which is the association that speaks for all the various municipalities in Ontario. I know that on a regular basis ministry staff, the minister himself and the parliamentary assistant have had numerous encounters with AMO. We don't perchance debate Bill 130 today. The minister has introduced a bill based on the comments and views and the wants, if you will, of those municipalities, on behalf of AMO, which is the spokesperson for all the municipalities in Ontario. Therefore, we are very confident and very positive that the changes that are proposed in Bill 130 will indeed go a long way to giving municipalities the tools—and yes, we have given them plenty of tools. We have given them the toolbox as well. I hope they will use those tools very wisely and, on behalf of their local municipalities, will be able to deliver faster, better, more efficient services to the local constituency.

**The Acting Speaker:** Further debate?

**Mr. Runciman:** I appreciate the opportunity to participate in the debate. The previous speaker talked about consultation, and I take him at his word, but I know that the two McGuinty government bills that I've been involved with to some degree recently, one dealing with the so-called Clean Water Act, where I think the government has brought in well over 100 amendments, and Bill 14, the justice bill, where the government brought in over 85 amendments—I think that brings into question the amount of work that's going into research and preparation and consultation with respect to the development of legislation that comes before this House and raises some relevant concerns.

One of the things I want to talk about I think is certainly timely. We've heard some discussions surrounding the ability of councils to go in camera or to have secret meetings. The government's argument of course is that the provisions in this legislation will minimize those opportunities. I guess if we read the language used in the bill, where it suggests that the bill would allow councils to close meetings to the public "if,



at the meeting, no member of the council ... discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council," on the surface of it, that would seem to mean that virtually nothing could be discussed in camera. But I suspect that if you dig a little deeper, in fact it's going to be subject to a wide range of interpretations of what is materially advancing business or decision-making.

If there's a general discussion around a matter like the discussion that took place in the city of Toronto, I guess it was last week, surrounding the Green Lane dumpsite decision, which took place in camera—part of it, I would argue, was certainly appropriate for in camera if you're talking about perhaps a purchase price of a property, which was one of the elements, I gather, of that conversation. But the other parts of it—and I'm not aware of any significant public discussion surrounding the intent of the mayor of Toronto or the city council to move in this direction in terms of disposal of Toronto waste. So I think those are the kinds of decisions and discussions that can occur.

Partially you can justify it when it's dealing with personnel matters: firing, hiring, salary increases, that sort of thing. I would argue that those are appropriately initially discussed on some occasions, and perhaps all occasions, in camera, especially when you're dealing with personnel matters. But the other matters—I think we're going to have a great deal of difficulty in concluding whether this materially advances the business or the decision-making of the council. I think those are pretty airy-fairy kinds of words to be using when the goal apparently was to minimize—I want to take the government at its word that the goal was to minimize—the use of private or secret meetings by elected officials.

One other—and there will be a number that I want to touch on in talking about consultation. I think it's appropriate again to mention the recent situation with the city of London and the fact that the city of London apparently was not apprised or consulted. We've heard members of the government here go on at some length in glowing terms about consultation between their government and the folks in various municipalities across the province and AMO. Here's a situation where the government has six elected representatives, MPPs, in London and the surrounding area. The application was made, as we know, for expansion of that site, which was a key determinant with respect to the decision of the city to purchase the site and to make the decision to move their waste into that area; apparently no consultation, no effort at consultation or even giving a heads-up. Whether members of the government caucus, especially the executive council, were aware of what was transpiring here is a question unanswered to this point in time. But I think it speaks to this whole issue of saying, "We are so consultative," when here's a situation which has a dramatic impact on that municipality—it has certainly upset the residents and the elected officials to a significant extent, and I think justifiably so—where apparently no effort whatsoever was made to consult.

There's some reference in the legislation to the question of having an investigator. If somebody has a complaint, theoretically the municipality can appoint an investigator. As I read this, I gather that if an investigator is not appointed, there's still recourse to the provincial Ombudsman.

#### 1710

I may have to stand corrected on that, but I note the comments of the current provincial Ombudsman in terms of his critique of the legislation, and it's a pretty scathing critique in terms of this particular component of the legislation. It's probably been quoted earlier by one of our members, but I'm going to put it on the record again. This is a quote from Ombudsman André Marin in June of this year: "While purporting to introduce a degree of accountability into municipal administration, this bill will result in an unfair, inequitable and unsustainable patchwork of quasi-oversight measures throughout Ontario."

I think the word the Ombudsman used, "purporting" to introduce a degree of accountability, is one that's sort of a signature of this government. They are great with smoke and mirrors, having press conferences and suggesting that all is well and good and that we're moving in very positive directions, "purporting" to do certain things. This is another case in point which has been pointed out and attention drawn to it by a neutral observer, the Ombudsman of the province of Ontario. So hopefully people will take note of that.

I'll give you another direct quote from the Ombudsman: "It is a piece of legislation that exploits the goodwill associated with the term 'Ombudsman,' yet doesn't deliver on any of the basic tenets. They are making it appear as a very credible, substantial step forward when it borders on fraud." Now, that is extremely strong language. This is an officer of the assembly—the provincial Ombudsman—who is giving this neutral, objective advice on this legislation in scathingly critical terms and using language that this government is being exploitive with respect to the messages they're delivering here that somehow this is going to be some panacea that's going to allow residents of Ontario recourse when they have legitimate complaints regarding the actions or inactions—I would suggest actions—of their municipally elected officials.

They're exploiting the goodwill associated with the term "Ombudsman," and he's saying that this actually borders on fraud. I'm not saying that, Mr. Speaker. This is the Ombudsman of the province of Ontario saying that this bill, Bill 130, and the provisions dealing with an Ombudsman/investigator border on fraud.

It would be nice to hear one of the members of the government side make an effort to rebut that and rebut the words of a very respected individual who has served as the head of the special investigations unit for this province, who has served as the Ombudsman for the military forces of the country and now serves as the Ombudsman for the province of Ontario. He's the individual who's using this kind of language, and I think it should cause significant concern. I'm not sure the press



gallery or members of the public have noted these concerns, but hopefully through the course of this debate, and committee hearings which will follow second reading, we can draw more attention to this.

Perhaps, as the government House leader has now entered the chamber, he might be receptive to calling the provincial Ombudsman to testify before whatever committee of the assembly deals with this legislation. Perhaps, when I'm finished my contribution to the debate, he could stand up and indicate if that's some position we could all agree on. I think other members should feel it's important when he's using language—and I'll revisit this for the benefit of the government House leader. The Ombudsman of the province of Ontario, with respect to these particular provisions of Bill 130, the ombudsman/investigator provisions, has said—this is a direct quote: "It is a piece of legislation that exploits the goodwill associated with the term 'Ombudsman'.... They are making it appear as a very credible, substantial step forward when it borders on fraud."

That should be of concern. This is an officer of the assembly, an independent observer, someone who has a track record nationally and provincially, someone who speaks his mind and takes strong positions on a whole range of issues which are of concern to people in this province and across the country. So I would hope that that's one thing we'll consider as we go forward into committee hearings on this legislation.

I wanted to talk a bit about business licences as well. This is another element of this legislation. We've already heard from some stakeholders who are concerned that industry's businesses are already highly regulated by the province and will now have another layer of regulation and red tape. I can understand that concern.

I get these e-mails every week. I am not in a position to assess the merits of whether this is right or wrong, and I guess we have to operate on the basis that it is right, that they're doing the right things. I'm sure the government members would stand up and say, "Are you suggesting that we should not enforce our labour laws?" But I see these huge fines every week. The Ministry of Labour takes great joy in sending out these e-mails: "We fined X small business in Napanee \$75,000 for not putting a cover on something. We fined X medium-sized business \$150,000 for not having a cover over a belt," or whatever. We don't know the rationale in terms of, were warnings given earlier?—those kinds of issues. Just on the surface, it concerns me that there is this assault on especially small and medium-sized business. We got the predictable retort from across the floor, "You're talking about safety." Who can argue against that? I've dealt with this in municipal councils, provincial councils. This is always the throwback. They say, "Well, you're talking about safety."

We don't want to jeopardize any employer's or worker's safety in this province, but there's also the question of dealing with business people in a fair manner—if they do make a mistake and there has been no harm in terms of an injury to an employee—and ensuring that they are

given adequate warnings and checked upon. I agree with that completely. But I'm being given the view from a number of people that that's not happening. There are no warnings being issued. This is an opportunity to levy significant fines on businesses that in many respects are having a real struggle to keep their head above water in certain parts of this province.

I put that on the record with respect to the provisions here for business licences. The part of the act that deals with this defines a business as "any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality." That means that a business that delivers outside the municipality where it's located could need a business licence for more than one municipality to operate. Again, the way this is written, you could suggest that I might need, or you might need, Mr. Speaker, a licence to have a garage sale on your front lawn. So I think this is another area that's probably going to require some amendment. I think at best this is a tax grab and, in a worst-case scenario, it's another layer of bureaucracy that's going to stifle business and jobs in this province.

**1720**

We talk about communication with the government. Again, I go back to a comment made by, I believe, the member from York West in talking about communication and opening up the lines of communication. From an eastern Ontario perspective, municipalities, especially small and medium-sized municipalities in eastern Ontario, feel that the lines of communication with this government are limited at best and that they are not having an opportunity to get the ear of government or find a way into government, get access to government to make sure that their views are being represented and heard.

One of the things that I personally proposed earlier this year was an eastern Ontario secretariat. This is a modest step forward which has been supported by virtually every municipality in eastern Ontario. What it would do is establish a small secretariat within the Ministry of Economic Development and Trade to provide that window into government, that access to government and that representative around the cabinet table for the interests of a very important part of the province which, in terms of manufacturing job losses, has perhaps suffered as significantly as any region, if you look at what's happened in Cornwall with respect to the Domtar closure, Chesterville with respect to the Nestlé closure, Prescott with the Hathaway plant closure, and Gananoque, which lost a significant Mahle operation. We can go right up the list in eastern Ontario, where, from the manufacturing perspective, there have been significant job losses. So I think the concern is there for a whole range of issues, but certainly this is one that I believe the government could address.

We're not talking about establishing some new bureaucracy; we're looking at seconding people who could carry on these responsibilities. We're not looking at the establishment of an eastern Ontario ministry, with all of the costs and bureaucracy associated with that.



We're looking at a relatively small office that would provide that communications window for residents and elected officials from a very important part of this province, especially small-town, small-village, rural eastern Ontario, which to a significant degree feels shut out: shut out of the processes, not being listened to, not being heard, and their concerns not being appropriately discussed in this place, or, perhaps more importantly, around the executive council table.

When this bill does get to committee—in the not-too-distant future, hopefully—we will have a significant number of amendments to put forward in our role as the official opposition in an effort to provide constructive opposition, positive opposition that will indeed enhance the impact of this bill in terms of the way the municipalities in this province operate and serve the people who put them in office.

Thank you for this opportunity, Mr. Speaker.

**The Acting Speaker:** Questions and comments?

**Mr. Bisson:** I'm going to get an opportunity in a few minutes to speak to this in a little bit more detail, but I appreciate the comments from my friend Mr. Runciman, the member from Leeds–Grenville. Sorry; I should have called him by his riding name, Speaker. I appreciate the comments, although I don't agree with him entirely on where he's going. But I think the basis of what he's trying to say and what we're trying to say from the opposition is that we all recognize that municipalities are having a difficult time trying to basically meet the needs of their communities. The province mandates those municipalities to provide services such as ambulance, housing, social services, etc., and they're finding themselves further and further behind the eight ball every year in trying to have the monies necessary to provide the mandated services plus the services that they regularly have to provide to their municipalities.

The real conundrum is, how do we make sure that municipalities have the capacity to be able to meet that? We're sort of skirting around the issue with this debate in the sense that the government has introduced a piece of legislation that purports to deal with this issue, but I would submit that once this bill is passed, if in this form, we're not going to be any further ahead in closing the funding gap, the \$3 billion that exists between the municipal services that are needed and the services we tell them they need to provide. So what do we do? I think that's the basic question, and nobody's getting to that issue.

There are different approaches, and I can get into that a little later in debate, but the fundamental question that we have to ask ourselves, ask every member, is that if we all agree that municipalities are not receiving what they should when it comes to having the wherewithal to meet those mandated services, what can we do in order to assist them? Do we want to make sure that we close the funding gap? If the answer is yes, then what do you do to close the gap?

**Mr. Bruce Crozier (Essex):** I'll just take a couple of minutes to reflect on this piece of legislation that we're

having second reading on, that is being debated in principle.

I came from the municipal sector, as many of you know, and the fact that this bill is an attempt to recognize that municipalities in this province are mature and responsible is something that I like. I was a bit surprised when I first got here some years ago, when there was a government that didn't seem to respect municipalities that way. It even got to the point where the provincial government was telling municipalities what kind of wording they had to have on certain forms. I think this goes a long way to giving that responsibility back to municipalities, and I'm in favour of that.

The member from Leeds–Grenville talked about a number of issues with regard to the bill and made good points. Some of the comments were about a municipal ombudsman. Well, in the private sector, insurance companies have ombudsmen to deal with customers' complaints. Banks have ombudsmen. When it comes to the province of Ontario, we have an Ombudsman, who's been quoted here at some length. But what happens in a municipality when a citizen is not happy with what the municipality's doing? Where do they go? Right now, if it's just the municipality they're dealing with, the only place they can go to is court.

Once we get used to this idea of having an ombudsman we can go to, who can stand back and take a good look at the issue, I think municipalities will embrace them and the citizens of our towns and cities will embrace that concept as a way that they can be heard.

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** We've heard a good analysis from the member from Leeds–Grenville with respect to these amendments to the proposed municipal legislation. Oftentimes, new provincial legislation sets in place directives from the province telling municipalities to do this and don't do that with very little thought to how that would be delivered or how that would be paid for, in particular in the long run once the short-term, ad hoc funding flows. For that reason, we feel that there should be an overall review of how municipal services are delivered and how they're paid for.

Earlier this afternoon, the member for Leeds–Grenville made mention of Caledonia. That's a community in the municipality, the county of Haldimand. Municipalities like Haldimand county, Brant county and, for that matter, Six Nations territory are caught up in issues far beyond municipal issues. They're caught up in a provincial and federal direction with respect to land claims and discussions of the rule of law and, in many people's perception, the unequal application of the rule of law.

We have a situation where municipal entities, solely because of their location, their geography, are caught up in this. The mayors—Mayor Trainer of Haldimand county, Mayor Ron Eddy of Brant county—are not at the negotiation table. I feel that they're being kept in the dark and essentially have no say in the matter. They see their electrical services going to residents of this occupied site.



They have no control over that. Again, whether that legislation is going to deal with that, I highly doubt.

1730

**Mr. Brad Duguid (Scarborough Centre):** I'm pleased to join once again in this debate. What we're talking about here is a total change in the relationship between the province of Ontario and municipalities across the province—a change, I would argue, that is beyond question for the better, a change that recognizes that municipalities are mature levels of government. This piece of legislation, innocuous as it is to some—the Municipal Act, I think, often doesn't get a lot of publicity when it's changed, and through the history of the Municipal Act every so often it's reviewed. But it does have a very important impact on how municipalities govern themselves.

What this particular change to this Municipal Act, this new Municipal Act, does is it gives municipalities permissive powers. So no longer do they have to come to the province for a number of important decisions; it recognizes them as mature levels of government capable of making those decisions. But we've gone beyond this. This is one piece to the puzzle in improving and building stronger communities. We've also increased funding for public transit, both capital and operating—something that many municipalities across the province needed. We've invested heavily in infrastructure across the province. We're uploading costs for public health, uploading costs for land ambulance. They're dedicating a good proportion of the gas tax to public transit across the province on an ongoing basis.

The relationship now between the province and municipalities has gone from a relationship of downloading to a relationship of fair cost sharing, a relationship where a number of these costs are being uploaded back to the province. We're not doing everything we would love to do. Financially, we can't do everything we'd like to do in terms of uploading, but in three short years we've come a very, very long way to fixing some of the problems created by the previous government.

**The Acting Speaker:** That concludes the time for questions and comments. The member for Leeds–Grenville has two minutes to reply.

**Mr. Runciman:** I appreciate the input of all members who responded to my comments. It was interesting that the last speaker talked about municipalities and the fact that there's very little attention paid, and I referenced that in my comments as well. You're not reading about this legislation, it's not being editorialized about, but there are components to this such that I suspect if citizen groups were aware of some of the implications, they might be somewhat alarmed.

I know that one of the components of this in terms of giving councils carte blanche is bar hours. If you're looking at a municipality, especially one where the officials are elected at large—it's not a ward system approach—where, because a neighbouring municipality's bar hours are now 24 hours a day, or to 4 or 5 a.m., they're going to have pressure in terms of a competitive

nature—we saw that happen with Hull and Ottawa a few years ago, where Hull was staying open until 2 or 3, and of course we had to match those hours because the businesses who were competing in Ottawa were suffering badly. I think that we see neighbourhoods—as I can see in my own community—where you have a fairly large residential component, especially elderly residents, in these areas where the bars are now open until 2 o'clock. We get all kinds of complaints about fights going on at 2:30 in the morning. This is just another element where I don't think people have been drawn into this equation, where the government has really adequately measured all of the implications of moving in this direction. This is just another weakness that I've had the opportunity to point out thanks to you, Mr. Speaker.

**The Acting Speaker:** Further debate? The member for Timmins–James Bay.

**Mr. Bisson:** Thank you, thank you, thank you, Speaker. I've been waiting for this moment with bated breath. We were rudely interrupted by a large break this summer when we were speaking in this House last spring. I'm glad to be back in order to raise some of the issues that I think matter not only to me but many constituents in not only my riding but, I would argue, probably across this province.

I just want to say at the outset that this particular bill attempts to fix what is a problem. I give you credit for that. I'm not going to argue for a second that the bill is not at least an attempt. But in its present form it's not going to do anything, I would argue, to really offset the problem that exists when it comes to the funding gap between the services municipalities must provide, and in some cases mandated services, and the money they receive from the province.

I think it's very ironic. This is a funny, ironic situation we find ourselves in. The Premier, Mr. McGuinty, rightfully so, argues that the federal government, now with a \$13-billion surplus, can't find its way to offset the funding imbalance between the federal government and the provinces. We know that Ontario and Quebec and all the other provinces have been calling on the federal government to deal with the funding gap, and we agree that it's there.

I remember a former Premier of this province who went on—quite frankly, every Premier in the last three governments has gone on about this issue. Equally so, and I think rightfully so, the province of Ontario is saying to the federal government, “You've basically balanced your budget on the backs of the provincial governments.” I accept that argument. I know exactly what happened in 1990—je me souviens—and I was here through the successive governments after. But it's kind of hard for Ontario to argue that to Stephen Harper if we're doing the exact same things to municipalities. I find it ironic. I find it a bit of an ironic argument. If we say the feds are doing it to us, we should at least be honest with the municipalities that we are downloading onto them because the federal government is putting it to us, or, if we're not prepared to say that, find a way to offset what



it's costing municipalities to provide services as a result of the downloading.

We've seen what's happened. There's a funding gap of over \$3 billion between what municipalities need to provide when it comes to mandated services from the province and the money they receive both from taxation at the local level and the dollars we transfer to municipalities. There's probably not a member in this assembly who has not gone to a cabinet minister in this government or in the previous government and said, "Hey, I've got a real problem in our municipality." In some cases, you may only have one municipality; in other cases, like me and others, you have multiple municipalities and reserves, if you happen to have those as well, which is a whole other debate.

I look at the communities in the riding I represent. There is not a community, from Timmins to Highway 11, from Smooth Rock Falls to Hearst to Moosonee, and reserves from Constance Lake on the James Bay and on the Fort Albany River, that doesn't have this problem, and it's a chronic problem. Moosonee is probably the best example in the province of Ontario. They have a very finite amount of money that they can raise by way of municipal assessment because it's not a very big community; it's about 5,000 people. But the problem they have is, most of the buildings in the community are owned by provincial government or federal government agencies or directly by the crown itself, and they're exempt from paying municipal taxes. Northern College, all of the soft social services that provide services in the community, the school boards, the Timmins housing units and other non-profit housing units are exempt from paying municipal taxes.

I understand, talking to Mayor Wayne Taipale and his council and to Shannon, who is the administrator, the CEO of the community, that that's \$176 million worth of assessment in that community that they can't tax. So we're saying as a province, "You've got to provide water services to a certain standard. You have to provide certain social services to your community, such as welfare and other services that are mandated by the province." There's a public health component that is mandated, etc. And we're saying to them, "Not only are we not going to transfer you enough money; we're going to exempt our own buildings from being taxed," and if the majority of assessment you've got in your community is not privately owned, you're caught in a conundrum. They can't tax to make up the difference and they're not getting the money from the province. So what happens? You can't fix the roads.

Go into Moosonee on any sunny afternoon in the summertime. It is a dustbowl. Why? Because there are no paved roads. There's one paved road that comes down from the train station, but that was paved some years ago and it would be hard to see that there was actually pavement there. So the tourist comes off the train and sees the dusty environment. Kids play in that environment, adults and seniors walk in that environment, and we all know dust leads to lung problems. Just what it

means to the aesthetics of the community is fairly difficult. They need to pave roads. They don't have the dollars to do it, and the municipal council is doing backflips trying to figure out what they're going to do to meet the needs of that community. The province says, "No, we're not going to give you any money to pave because we don't have programs for that. You have to go to COMRIF." COMRIF—forget it. If you can get money through COMRIF, you're pretty darn lucky. Number two, they don't have the assessment to do it. The water system, the sewer system—it goes on and on.

1740

A perfect example is the town of Moosonee as to the funding inequities between what we say municipalities should provide, what citizens think they should receive as a basic right of living in a municipality and what we pay. I look at this legislation, I look at Bill 51, and I say, what does Bill 51 do for the Moosonees of this world? It does absolutely nothing. Maybe you can go and have a private meeting with your council and go off-camera to discuss an issue that's not going to make a difference to people. It gives you a few abilities to make bylaws, but it doesn't do anything—my good friend from Bruce-Grey-Owen Sound knows what I'm talking about because he represents similar communities. It does absolutely squat to deal with the issue of how you are going to provide basic services to your citizens.

The worst part is, it's not getting better. A lot of municipal politicians now sit in this chamber, so they know. They sat at municipal councils across this province, and in some cases they were mayors. They know that if you don't pay for the infrastructure repair today, it gets more and more expensive as time marches on, to the point that it becomes very difficult to meet even at the best of times. What is scary is, we're doing hardly anything to deal with the funding shortfall when it comes to even maintaining the infrastructure we've got now.

I've heard members from the government side get up in the House saying, "This doesn't do everything we'd like it to do, but at least it's a step in the right direction." Go tell that to the citizens of Moosonee. Go to the communities in Grey-Owen Sound and say that to the citizens in those communities and see what that's going to buy you. I know that when I walk into Moosonee, I'm asked the same question every time I go in: "When are they going to pave roads here?" I've got to look them square in the face and I've got to tell them that the province doesn't have a program to provide dollars to the municipality to fix roads. So they go out and get mad at their municipal council. They say, "Well, it's got to be Wayne Taipale's fault. He's the mayor of Moosonee." I'm here to say it's not Wayne's fault. He doesn't have the money. And I say it lies squarely on the shoulders of the provincial government to deal with.

I recognize there's a price tag attached to that and that it means we've got to put our money where our mouth is. It's going to cost money. So I think we need to challenge ourselves and say that if we all agree—and I don't think there's a member in this chamber who disagrees that we



need to maintain infrastructure in our communities such as Moosonee or provide services that are mandated by the province to those communities—we've got to figure out how the heck we're going to pay for them.

There are different models. Some people argue, and I would disagree, that what we need to do is give municipalities broader taxing powers. I'm going to argue for Moosonee, and I would argue for any other member who represents small communities, what are additional taxing powers going to give you in a community like Moosonee? First of all, there's a large unemployment rate. The unemployment rate there is probably 50% or 60%. There is business assessment, but it's hardly large enough to go after, and if you tax that business assessment more, it's going to have a negative impact when it comes to the local economy, I would argue. Can you go after the homeowners? There aren't a lot of those. A lot of our homes in Moosonee are basically Timmins Housing or other not-for-profit housing. There's some private ownership, but people will have a limited ability to pay, as they do in any other community. If you did give them municipal taxing powers, what would Moosonee do with them? About half of their assessments are buildings they can't tax because they're provincially or federally owned or operated by some of the crown agencies.

The other problem with the argument that we give municipalities greater taxing power is that that would be great for Toronto. Downtown Toronto would do great. Imagine you give the city of Toronto—this is not bashing Toronto, but the reality is, if I give Mayor Miller the ability to say you're going to charge more money on whatever kind of new tax you want to create at the grocery store, the cinema, the restaurant or whatever it is, heck, there are millions of people living here and millions of people coming to visit, so it's going to generate a large amount of money. But in communities that most of us here represent, it's going to get you hardly anything. It's not going to do anything to close the gap. What it's going to do is further move towards the urbanization of Ontario, and that's one of the big crises, I think, that faces us today in this province.

We have a failing infrastructure and a failing social safety net in many of our communities outside of our major urban centres. Our policies are fixated on responding to problems in our major urban centres such as Toronto, Hamilton and others. I just say, great for Toronto; I applaud that. It's wonderful. But what does it mean to the citizen living in Moosonee who's saying, "I just want one paved road. Give me one paved road. Show me that there's progress"? It doesn't do anything for them.

I think the answer is that we've got to put our money where our mouth is. We've got to do some funding. Can we fix the infrastructure in one year? Obviously not. The province doesn't have that kind of money. I can't fathom how much money that would be. It would probably be a lot more money than our general budget has overall. Our budget last year was somewhere over \$80 billion for the

operation of the services that we provide here in the province of Ontario, and the lion's share of that has to go toward paying our doctors, our nurses, our teachers, the people who maintain our highways. There's not a lot of money left over to be able to deal with infrastructure. So I think we've got to be creative.

I think one of the things that we need to do, first of all, is take a look at ourselves and determine what ability we have to raise revenue to be able to have the dollars to provide to those municipalities, in co-operation with our federal and provincial governments. The other side of it is that we also have to look at our costs. We have to say to ourselves, are we spending money some places in our budget that could be diverted on to capital or on to mandated services? I'm sure that if we looked at it, there would be some. I don't think there's a whack of money there. I don't think there's \$5 billion a year. But certainly we can go get some of it. We have to say to ourselves, what's the priority? Is having a particular program that responds to a few people more important than providing basic infrastructure to many? I think those are the kinds of questions we have to ask ourselves.

Then we have to say to ourselves, what about our taxation system? Somebody said something to me the other day—I was arguing on the con side of this one—and the more I started to think about it, the more I started to think maybe the person was right. He argues that Stephen Harper is going to give you two cents on the GST, so if the provinces want to close the funding gap, basically increase the PST by an equal amount. There would be no additional dollars paid by taxpayers, because we're already paying it. The only difference is that the provinces would get hit for having moved in and taken over a tax cut that the federal government has given, and there's a risk in that; I understand that. But the argument is—does anybody in the House know? I think it's about \$1.4 billion to \$1.5 billion that we raise with one cent on the GST. I stand to be corrected. I don't have the budget documents with me. The point is, imagine what we can do with \$1.4 billion or \$2.8 billion toward infrastructure in the province. You can go a long way and you can say that over a period of time we're going to be able to try to start funding the inequities when it comes to infrastructure in the province of Ontario.

I look at the things that we need to do. Water plants are in desperate need of repair across this province. We have roads that need to be fixed. We've got bridges that have to be fixed. We've got arenas with rooms that have to be repaired. We have community halls, municipal complexes; the list goes on.

The other thing that I think we've got to do is go back and do what we did with the federal government under the old Jobs Ontario program. COMRIF, in fairness to previous governments, tried to address this with this one-third, one-third cost-shared basis with the federal government. But the problem with COMRIF—my God, there's so little money in it, right? It's like having a glass of water and you say, "Here's a glass of water," when the need that you have in the province is about this big, and



here's the amount of money you've got in the actual glass. So everybody is disappointed in the end.

I've got to say to my good friend from Bruce-Grey-Owen Sound, Mr. Levac and all other members here, how many municipalities in your ridings were disappointed after the last two or three rounds of COMRIF? My God, only one community per riding gets funded. So in a riding like mine, where I've got multiple communities, or Bruce-Grey-Owen Sound, you get one, maybe two municipalities, if you're really lucky, that get a project funded in their municipality, and nobody gets nothin' else. So in the last round, Smooth Rock Falls got money. Great for Smooth Rock Falls. But I'll tell you, Timmins and Kapuskasing and Hearst and Moosonee and all other municipalities were up in arms. It creates "us against them." The municipalities that didn't get are mad at the municipalities that did get, and I think it creates a rift where we don't need to be creating one.

If you had a program that basically said, "Listen, we're going to create an infrastructure program where we will put in \$1.5 billion or \$2 billion per year as our one-third share and the municipalities put in their one third"—we need to have some mechanism to close that one third for smaller municipalities, I would argue, which don't have the reserves to do it, and get the federal government on the hook. They've got a \$13-billion surplus, saying, "Oh, well, Jeez. We've got a \$13-billion surplus and we're going to go out and pay the debt." Never mind paying the debt; help us with our deficits, for God's sake. 1750

I just think it's unbelievable. It's something that we need to deal with. Yes, pay down the debt. Some of that money could be put towards the debt; I don't think anybody would argue that. But imagine if we could at least get \$6 billion, \$7 billion or \$8 billion across this country towards infrastructure, how far that would go. I'll tell you. What would happen is that at least municipalities would be able to plan. A municipality could say, "You know what? I live in the community of Moosonee and I'm Wayne Taipale, the mayor. I know that every year, because I put my matching share up, I'm able to get a certain amount of money towards infrastructure." So Wayne and his council can say, "Okay, we can afford \$300,000 or \$400,000 a year out of our annual budget towards infrastructure," and each and every year they get \$300,000 or \$400,000, the province puts in \$300,000 or \$400,000 and the feds put in—whoa, now we're talking \$1 million-plus; we're talking about \$1.2 million, \$1.8 million, depending on how much money they can put in. Imagine what they can do in Moosonee with that. The citizens of that community can all of a sudden say, "Wow, look at that. They're paving the road. Isn't that something? There's a sidewalk. They're finally fixing the leaky water line."

I've got to tell you about the LSB in Moose Factory. The water line leaks. Do you know what they've got to do? They've got to shut the water system down at 2 o'clock in the morning to refill the tanks in order to have water the next day for people to use the water system.

That means if there's a fire after 2 o'clock in the morning, the firemen can't plug into the hydrants. That's because there's a rusted old water line. It's the story across Ontario; we all have the same stories. There's a rusted water line in the Moose Factory LSB, which is basically the Mocreebec lands, that leaks all the time. They've had an application with COMRIF since Jesus Christ was a choir boy and they can't get anywhere when it comes to funding. They're saying, "We thought the priorities that the province put forward were water and crises in water. What's a better crisis than what we've got? We can't run our water system after 2 o'clock in the morning."

You go there and you stay at the Ecolodge. I encourage everybody to go and stay at the Ecolodge: 705-658-6400 is the number at reception, by the way. It's a great place to stay. But anyway, after 2 o'clock in the morning, don't try to take a shower. And I'm an early riser. I get up at 4 or 5 o'clock in the morning. It's a habit of mine. I've got to wait until—

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** That's when I come home.

**Mr. Bisson:** That's when you get home. Jim works all night writing notes to his staff, that's why.

Anyway, what happens is they're not able to maintain water.

I say that the bill may in its title and in some of the speeches actually try to do something, but I would argue this is going absolutely nowhere when it comes to actually meeting municipal needs. I would like for once to get off at the airport or the train station when going into Moosonee and have people see that there's a road being paved in that community and something is happening in order to assist those citizens to know that yes, they are part of this province we call Ontario, and yes, they see progress being made. Those councils, such as the council of Mayor Wayne Taipale, will have a very hard time trying to maintain the current infrastructure they've got if this bill passes in its current form.

I look forward to this bill going to committee. I would argue we need to travel this bill to municipalities, not just the city of Toronto. It's got to go to the Peterboroughs of this world, the Kenoras of this world, the Hearsts or Moosonees or wherever, in order to give people in this Legislature an opportunity to see how desperate the situation is and how we, as legislators, can try to look at how we respond to the crisis that exists now in municipalities so we can finally start to address it. If we can do that for our municipalities, we are in a much stronger position to say to the federal government, "You're the one causing the funding inequity. We're doing what we have to do as a province. It's time for you to cough up."

**The Acting Speaker:** Questions and comments?

**Mr. Mario G. Racco (Thornhill):** I'm pleased to speak on the second reading of Bill 130, the Municipal Statute Law Amendment Act, 2006. I want to say that certainly this bill is going to assist in making the municipalities in Ontario happier because of the changes



that the bill is proposing. This is another McGuinty government initiative to support our municipal partners, that will give municipal governments the respect they deserve and the tools they need to meet the challenge of today in a competitive economy.

There are a number of benefits that this bill will do. But most importantly, I want to concentrate on one item, and that is open council meetings. I say that because as a municipal politician for 18 years, I have seen that question in a number of cases, when members of council were not clear whether an item should or should not be in camera. What's happening lately in my municipality of Vaughan in this case is members of council are trying to do their job, but they're unclear. It makes me feel comfortable that the change that the bill is proposing will certainly give a little more clarity to these items and of course will make not only the members of council happier but also the ratepayers, who sometimes feel that their rights may not have been respected. I suspect that both parties have good intentions in doing what is best for the people of Vaughan in this case, or the people of Ontario. This bill, as I said, will assist people, elected or non-elected, to have an opportunity to discuss items in an open forum where the best for Ontarians will take place.

**Mrs. Christine Elliott (Whitby-Ajax):** Once again, we have a bill being brought forward that shows the complete lack of respect that this government has for the voters of Ontario. We hear a lot of talk about transparency in government, about the need for the government to be more open, more accessible, more inclusive, yet what do we see in this bill? We see more in camera meetings being allowed. How can that possibly be conducive to more transparent government: more in camera meetings, where decisions are going to be made behind closed doors that people are not going to have any input into or know anything about the reasons why certain decisions are going to be made? Not only that, but this bill then provides for the appointment of an ombudsman by the very people they're going to be investigating. This seems to be not only inherently wrong but certainly self-defeating.

The bill goes on to allow for the delegation of powers to unelected and unaccountable people. That might be okay in certain situations, but in this particular instance, when you're dealing with the delegation of legislative and quasi-judicial powers, it seems to me that's something that's irresponsible to introduce, to be able to do that.

What we have here is a bill that's not only lacking in the very transparency that it professes to allow, but it certainly denies the people of Ontario having real input into the decisions that are going to be made at the municipal level.

**Mr. Levac:** I'll come back to the member from Whitby-Ajax in a moment, but I wanted to thank the member from Timmins-James Bay for starting off his talk by indicating that he acknowledged that this is a step in the right direction, if I heard him properly.

Let me be very clear about this. Let me come back now to the member who wants to profess that this

government is evil and has done bad things to municipalities. Let's be reminded of the downloads. Let's be reminded of forced amalgamations, with 70% of populations saying, "Don't do it." Let's talk about some of the things that were downloaded that were claimed to be revenue neutral when they found a \$200-million difference, and what did they say? They went down a list and said, "Hmm, ambulances, that will do. That will work, because the numbers work." Guess what? It didn't work.

If we're going to get lectures from people who are going to tell us about how bad we're governing the province of Ontario, let's be reminded of the things that got you thrown out of office in the first place. You weren't listening to the people of Ontario in the next term. Holy mackerel, the nerve to say that this government is not consulting and is not transparent and is not trying to work with the municipal partners is the joke of all jokes.

You know what? If the people read the comments that the member's saying, you just keep standing up and saying it over and over again, you're going to help our cause because they'll be reminded about how they were smacked with downloading and smacked with amalgamations and smacked with all the things that we're doing to try to correct the problem.

Let's be a little bit fairer here. Oops, sorry, I said the wrong thing. Let's be a little fair here.

What I'm talking about is listening to the mayors and listening to the populations of those municipalities that told us, "We have a problem here. Let's try to work towards helping us." Are we helping them? Absolutely. The comments I'm getting are that public health was wonderful, ambulance upload is wonderful and there's more to come. Thank you very much.

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** We've just heard an uttering from somebody over there on the other side who hasn't got a clue what he's talking about. He's been in here for three years as a government, and you're still blaming the other government for your problems. When are you ever going to stand up on your own two feet on that side and start to govern Ontario? You certainly aren't listening to anybody. We just heard a good speech from the member from Timmins to tell you that you're not listening to anybody out there, and you're not. I can't believe what we just heard over there. Three years you've been around here, and you haven't learned anything. Where have you been? And you're telling us what we got thrown out for? Boy, you haven't even got a chance of getting to first base in this next election, the way you're carrying on. You listen to nobody—nobody—out there.

You've got this Clean Water Act you're bringing in. You're going to break rural Ontario, and you've never done anything about it. "Oh, we came up with \$7 million," all of a sudden, after being told. You did listen there. Seven million dollars may help out Grey county, but the rest of Ontario—there's nothing left for them.

This is total, utter incompetence in the government of the day, to not listen. Talk about listening: You people haven't listened to anybody. And to get up here and still

blame the past governments, when you've been around for three years. Where have you been those three years? Sitting on your duffs over there, not listening to anybody, going out and saying, "Oh, we're going to do this, and we're going to do that." But then you come up with something like this that doesn't even help anybody.

You just heard the member, and that's what we're here to talk about, his speech. But of course, maybe, you wouldn't want to talk about that, because he was right on. When are the people of Moosonee ever going to get any money from this government? Probably never. When are the small towns that I have in my riding of Bruce and Grey? Nothing. You're lucky, as we said, to get one COMRIF.

But you have no plans. This is your problem. You have no plans of where you're going. Then you get in trouble, and how do you find that money, all of a sudden, to help out other things? Where did you find the \$12

million to buy the land down in Caledonia? Where did that money all of sudden come from?

**Mr. Barrett:** Good question.

**Mr. Murdoch:** Whose pocket was that sitting in?

**The Acting Speaker:** The member for Timmins—James Bay has two minutes to reply if he chooses to do so.

**Mr. Bisson:** I'm going to reply very quickly and say ditto on everything that's been said. Thanks for all the comments. Let's get to work and try to figure out how we can meet the crumbling infrastructure in this province. Thank you.

**The Acting Speaker:** It being past 6 of the o'clock, this House stands adjourned until tomorrow afternoon at 1:30 p.m..

*The House adjourned at 1803.*



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 27 September 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 27 septembre 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### ETHNIC MEDIA

**Mr. Frank Klees (Oak Ridges):** I take this opportunity to report to the House and, through this statement, to Ontarians across the province on an important event that took place here at Queen's Park this past Friday, September 22. The National Ethnic Press and Media Council of Canada honoured 14 individuals from every walk of life and cultural background from all over Canada, as well as 14 publishers/editors of ethnocultural publications in Canada.

The occasion was hosted by His Honour the Honourable James Bartleman, the Lieutenant Governor of Ontario. I was deeply honoured to represent John Tory and the Ontario PC caucus and to extend our congratulations to the 28 award recipients. Also present was MP Peter Van Loan, who brought greetings from the Prime Minister, the Right Honourable Stephen Harper.

I ask honourable members here to acknowledge with me the crucially important role of the ethnic press and media in our country and in this province, where we celebrate one of the most culturally diverse societies in the world. A special acknowledgement and congratulations are extended to Mr. Thomas S. Saras, president and CEO of the National Ethnic Press and Media Council of Canada, for his role in organizing this memorable event.

The work of our ethnocultural media is highly significant in the life of our province, especially when we consider how it provides a necessary cultural context within which new Canadians are made to feel both comfortable and welcome in their new country. The ethnic media also keeps open the necessary cultural and linguistic channels for the maintenance, promotion and handing-on of the heritage of Ontario's many cultural communities that continue to enrich our society.

#### COMMUNITY HEALTH CENTRE

#### CENTRE DE SANTÉ COMMUNAUTAIRE

**Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I am so proud to stand here today to say that the McGuinty government has improved community health care in Glengarry-Prescott-Russell.

Effectivement, le gouvernement McGuinty investit dans un nouveau centre de santé communautaire satellite à Bourget. Ces services sont parrainés par les services de santé communautaires de l'Estrie de Cornwall et amélioreront l'accès aux soins de santé primaire pour les gens de la région de Bourget. Ceci est une excellente nouvelle pour cette communauté, qui a maintenant accès à des services de santé bilingues.

En décembre dernier, notre gouvernement avait débouché des sommes importantes, et aujourd'hui je suis fier de dire que le centre de santé communautaire à Bourget a ouvert ses portes le 18 septembre dernier.

This community health care centre in Bourget is now fully operational. This is fantastic news for the people of this area. This community has been without a doctor for more than eight years. The closest hospital to Bourget is the Monfort Hospital, and it is some 40 kilometres away.

Je suis du même avis que mon collègue George Smitherman, le ministre de la Santé et des Soins de longue durée, que les centres de santé communautaires sont les meilleurs moyens pour promouvoir un mode de vie sain et la santé de la collectivité.

#### AUTISM TREATMENT

**Mr. Ted Arnott (Waterloo-Wellington):** In his very first question of this fall sitting of the Legislature, the Leader of the Opposition asked the Premier about his broken promise to families with autistic children. Calling the Premier on the carpet for his broken promise to extend IBI treatment for autistic children beyond the age of six, our leader demanded action.

I first raised this issue in the House almost two and a half years ago as yet another example of the McGuinty Liberals' serial promise-breaking. This past summer, I was invited to speak at the No More Excuses rally for autistic children, held in Kitchener. I met many parents who were imploring the Premier to keep his word, even though to date in many cases he has ignored their pleas for help. We have to find a way to help those kids.

A few days ago at estimates committee, I had a chance to ask the Minister of Children and Youth Services questions about this issue. When I asked an innocuous question, whether the government had made a public announcement of new policies impacting autistic kids on waiting lists, she said this to me: "You know, Mr. Arnott, I'm going to get really angry very soon."

I think that autistic children and their parents deserve much more than a public display of anger by the



McGuinty Liberal government. It was Dalton McGuinty who made this promise. It's up to Dalton McGuinty to keep it, or without a doubt this broken promise will form part of the verdict that the Ontario voters will render unto this government on October 4, 2007.

### AIR QUALITY

**Ms. Andrea Horwath (Hamilton East):** This summer it rained soot in Hamilton East and my constituents want answers from the McGuinty government. On August 10 and 11, for at least the third time this summer, residents of Hamilton East saw their properties deluged with filthy, smearing, black carbon emissions. All this time later, the soot saga remains unsolved. The company responsible is still unknown because Ontario's Minister of the Environment is asleep at the switch. A month ago I wrote her an urgent letter and still have received no response. Today I call on her again to hold an open public meeting right away, send ministry staff and start being accountable for this ongoing environmental problem.

Early tests show the soot contains noxious elements like coal dust, black rubber and traces of paint. It's almost impossible to remove it. Imagine having to breathe it.

Residents expect their Ministry of the Environment to be seen and heard taking action. Tim Lockhart, who says his newly painted house is covered in soot, expected your ministry to take action. Linda Pickvance, Lorna Moreau, Mary Lee and still hundreds more wait for action from your ministry. They want to know that this is not going to happen to them year after year. They want the minister to do her job and determine who is responsible, what caused the problem and what enforcement and monitoring measures will be put in place to prevent soot pollution.

Hamilton East, with its concentration of industry, already has about the worst air in Ontario. Ironically, the Ministry of the Environment no longer monitors Hamilton East's air quality directly, instead monitoring—

**The Speaker (Hon. Michael A. Brown):** Thank you.

### CRYSTAL BEACH HERITAGE

**Mr. Kim Craitor (Niagara Falls):** Over the summer I was invited to Crystal Beach, a place that has many great memories from my youth. I remember the crowds, the amusement park, the huge roller coaster and the sounds of the big-band era. What I realize now is that many of the crowds came by boat from Buffalo, a short 20 miles away, and contributed immensely to a vibrant economy.

On the last Sunday evening in August, with the sun setting and the sounds of the Glenn Miller band in the background, 12,000 pounds of cast steel that propelled the famed steamship SS *Canadiana* between Buffalo and this Ontario resort for more than 40 years found a final resting place as a monument to these past times.

### 1340

Efforts to restore the giant cruise ship, which ceased operating decades ago, failed when the ship was chopped up and sold off as scrap materials. But thanks to three Crystal Beach residents, Harvey Holzworth, Paul Kassay and Rick Doan, the *Canadiana's* propeller, or three quarters of it, anyway, has resurfaced along the shorelines at Crystal Beach's Front Park, just a few hundred yards from where the 200-foot-long vessel used to dock. These men spearheaded the effort to save the pieces from a bygone age from the scrap heap and purchased half of the rusty, zebra-mussel-encrusted, four-blade propeller. The prop now rests, along with the capstan and bollard from the ship, on a concrete pad, with a memorial plaque identifying these items as a silent testimony to Crystal Beach's marine heritage. These are among a few of the ship's remains.

This House owes a great vote of gratitude to citizens like Holzworth, Kassay and Doan for keeping the history and heritage of this province and Crystal Beach alive.

### WASTE MANAGEMENT

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** It's time the McGuinty Liberals come clean with Ontario on their mismanagement of waste. The environment minister recently admitted the broken promise of 60% waste diversion. We've all heard about the city of Toronto's goal of purchasing the Green Lane landfill site. The concern we have on this side of the House is the lack of representation which the Liberal MPPs in the area surrounding Green Lane have shown to their constituents. There are two ministers and the party president of the Liberal caucus representing ridings around the Green Lane landfill site, and they claim to have been surprised by the city of Toronto's intent to bring their garbage there. The whole situation reeks of Liberal mismanagement and fumbling.

The member for Elgin–Middlesex–London is on record suggesting that Toronto learn to look after its trash in its own backyard, yet he has known of the expansion in Green Lane since at least June 28 of this year. It's time you start looking after your own backyard. I would hope that the member would stand up and take responsibility to ensure that the parameters of any deal to bring waste from—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** The minister of Labour will come to order. The House will come to order.

**Mr. Peter Kormos (Niagara Centre):** Come clean.

**The Speaker:** The member from Niagara Centre needs to come to order also. I need to be able to hear.

The member for Haliburton–Victoria–Brock.

*Interjections.*

**The Speaker:** Order. This isn't helpful. The member is waiting patiently. The government House leader will come to order.



**Ms. Scott:** I hope that the member from Elgin–Middlesex–London would stand up and take responsibility to ensure that the parameters of any deal to bring waste from Toronto to Green Lane would not put the people of his riding in a position where they've been left with nowhere to bring their trash. Minister Peters, if you are as driven as you claim to be on protecting your constituents, put the rhetoric aside, step away from the comforts of cabinet, stop toeing the McGuinty Liberal Party line and represent your constituents.

### L'ÉCHO D'UN PEUPLE

**M. Phil McNeely (Ottawa–Orléans):** Cette année fut la troisième année consécutive que l'Écho d'un peuple se représentait au Théâtre Desjardins de la Ferme Centenaire Drouin, à Casselman.

Pour la première fois cette année j'ai assisté à ce spectacle, qui m'a fait revivre plus de 400 ans de l'histoire francophone en Amérique du Nord.

L'Écho d'un peuple a rassemblé, depuis l'été 2004, plus de 55 000 personnes qui ont assisté à diverses représentations. Ce spectacle rassemble plus de 200 comédiens et des centaines de bénévoles qui, pendant les trois dernières années, ont su épanouir leur public.

Ce spectacle éblouissant m'a ouvert les yeux à l'histoire de la francophonie ontarienne et canadienne. En une soirée, j'ai pu voyager dans le temps et j'ai eu l'expérience de l'histoire francophone: du temps de la découverte de Cartier; de la colonisation de la Nouvelle-France; du périple des « raftsmen » qui faisaient la drave; du rapport Durham et la revanche des berceaux; de la ruée vers le nord de l'Ontario; et de la bataille pour la survie de l'Hôpital Montfort.

Le témoignage collectif et la qualité exprimée par tous les tableaux présentés à l'Écho d'un peuple ont su démontrer la fierté franco-ontarienne. La qualité du spectacle est incroyable.

En tant que député d'Ottawa–Orléans, je veux dire un grand merci aux artistes et volontaires qui ont su faire de l'édition 2006 de l'Écho d'un peuple un spectacle à ne pas manquer.

### EDUCATION

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** First, I would like to congratulate Minister Wynne on her appointment as Minister of Education. As a former teacher and someone who has a daughter as a teacher and nieces and nephews in the school system, I feel confident that they and the future of Ontario's education system are in good hands.

Indeed, since the McGuinty government was formed, class sizes have gone down, test scores have gone up, more students are graduating, and finally we have the labour peace we need in order to stay on track. What was neglected under past governments is beginning to blossom once again.

In my riding of Stormont–Dundas–Charlottenburgh, there could be no greater symbol of this fresh start for students and teachers than the opening of the new Central Public School this September in downtown Cornwall. This summer, the Minister of Labour had an opportunity of coming to my riding to see that school. This facility is ideally situated and suited to meet the needs of local students, connecting them to the modern world through their state-of-the-art systems while preserving the past in the façade of the old building that's been preserved as the back wall of the school's library. This is an incredible school, Central Public, and its teachers, students and parents—a great tribute to the determination of my constituents and the commitment of this government towards quality education in Ontario. We see a great future at Central. We see a great future for education in SD and C.

### LONG-TERM CARE

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I rise in the House today to speak to the matter of long-term care and the McGuinty government's commitment to ensuring higher standards and a greater quality of care for those relying on this essential service. The McGuinty government has made record investments in long-term care because we believe that it's essential for our seniors to receive the best care possible.

We have increased funding by \$740 million since taking office, 155 million of those dollars in this year alone, and have hired some 3,140 new staff to date. We've also brought in new regulations and brought tougher inspections to ensure the quality of care is properly administered.

In the past, we saw the Conservative government removing nursing and bathing standards for long-term-care residents. We brought them back. They also allowed nursing homes to operate without proper licences, which is unacceptable. We're committed to making our long-term-care homes better for our family members and friends seeking this assistance, which translates into better standards of care for our loved ones.

Our focus is on hope and dignity, which we believe should be number one in creating a positive and nurturing environment for those in long-term care. We know there is more to do, but the McGuinty Liberal government is committed to improving long-term care and providing hope and dignity for all those who need it.

### VISITORS

**Ms. Judy Marsales (Hamilton West):** On a point of order, Mr. Speaker: I take pleasure today in introducing two guests in the gallery. Ian and Josephine Taylor combine artistic skill and great innovation coming out of Hamilton. Ian is one of the great bass players in Hamilton, and Josephine is a wonderful artist, writer and singer. Ian has a company, Reflex Advanced Marine Corp., that is designing and engineering high-speed boats and ferries. Please give them a welcome.



## LEGISLATIVE INTERNS

**The Speaker (Hon. Michael A. Brown):** With us today in the Speaker's gallery are the 2006-07 Ontario legislative interns. We have with us Ian Burns, Laura Dougan, Neil Foley, Jason Lagerquist, Tom McDowell, Rachel Stack, Lauren Starr and Eleni Tsoutsias, and their academic director, Dr. Henry Jacek. Welcome.

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## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that today the Clerk received the report on intended appointments dated September 27, 2006, of the standing committee on government agencies. Pursuant to standing order 106(e)9, the report is deemed to be adopted by the House.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### GOVERNMENT SERVICES

**Hon. Gerry Phillips (Minister of Government Services):** I would like to outline to the House the status of a broad range of government services that are provided online.

More families are benefiting from better access to government services now that they can go online. Today we announced an all-in-one application that will allow you to register your child's birth, apply for a birth certificate and get a social insurance number all with one step. We also announced that you can now go online to get a marriage or a death certificate.

You will remember that a year ago, we wanted to make it more convenient to get your birth certificate delivered securely to you. We wanted to demonstrate to the public that we could do that in 15 business days. We wanted to show the public that our public service can and does deliver good service. As you know, our government introduced a money-back service guarantee so that anyone who applies for their birth certificate online will get their certificate delivered to them within 15 business days or it's free. This was the first guarantee of its kind certainly in North America.

This has been a tremendous success story for the government. Until we began this initiative, no certificates could be applied for online. Now, as of mid-September, we've had 240,000 birth certificate applications processed online and, so far, have had to issue only 80 refunds out of those 240,000 for not being delivered within 15 days. In other words, all the rest were delivered within 15 business days.

This has been a tremendous achievement accomplished, I must say, by our hard-working and dedicated public service. We're making it easier for the people of Ontario, and we're providing services the way our citizens want them to be delivered. We intend to further expand our online services to include, as I said earlier, online marriage and online death certificates.

Our tremendous success with online birth certificates paves the way for these new initiatives. When we began, as the House will remember, we had a backlog for birth registration and birth certificate services. At its worst, the turnaround time was over 20 weeks. We have made substantial progress. As I have mentioned, we now have a success rate of more than 99.5% getting their birth certificates on time for those who have filled out correctly their online application.

We know that the people of Ontario have busy schedules. This quick and easy application helps eliminate unnecessary delays for birth certificates.

I am also pleased to say that we are making further improvements in our newborn birth registration with a Service Ontario initiative that is reducing paperwork and simplifying a complicated process for new parents. The newborn registration service is a new joint service with our federal counterpart, Service Canada. It offers parents an easy and convenient way to register the birth of their newborn and apply for the baby's birth certificate and social insurance number all at the same time.

New parents have enough to do without worrying about paperwork. This service is making it easier for families to spend time doing the things they need and want instead of filling out paperwork. By combining three steps in one, we are saving parents the hassle of filling out separate paper forms and entering the same information over and over again.

Importantly, we are planning to further expand the newborn registration service next spring. At that time, the government will be piloting the next phase of the service to allow parents and hospitals to register directly with the province, making the system even faster and simpler to use. With this, we are also planning to eliminate the need for registration fees that apply to birth registrations. Those are paid to municipalities to register. When they go directly with us, the fee will no longer be charged.

And there is more good news, as people can go online for marriage and death certificates on the Internet. This will further cut down on the time people have to wait to get these important documents. Following the model we used to deliver great results on birth certificates, marriage and death certificates will also come with a money-back guarantee. That will begin in the new year.

Ontarians want and deserve better service, and through Service Ontario and with the hard work of our dedicated public services, we are making that happen.

Just for the public, if you want to go online for it, it is [www.serviceontario.ca](http://www.serviceontario.ca).

**The Speaker (Hon. Michael A. Brown):** Responses?

**Ms. Lisa MacLeod (Nepean-Carleton):** As the mother of an 18-month-old, I have recent first-hand ex-



perience getting a birth certificate. As I'm sure the honourable minister will know, it was not an easy process, and I'm someone who is quite familiar with this government's red tape.

While I think that on the surface this announcement is great news for parents, immigrants to Ontario, families of those recently deceased, and any Ontarian who needs these documents or their replacements, when you dig a little deeper past the usual Liberal huff and fluff, you will find this is just another example of these Liberals saying anything and doing anything to get elected.

The Premier and the Minister of Government Services were at Women's College Hospital this morning to announce a rejig of the government's website, yet in the rush to recover from a month-long public relations nightmare, not a single dollar of new funding was announced for any of our overcrowded hospital emergency rooms, for our overbooked pediatric operating rooms or to help ease the process to certify foreign-trained doctors—no, not a single new dollar to improve our gutted health care system. Going to Women's College Hospital was, pure and simple, another phony photo op from this Premier Personality. In fact, this Liberal government under this Premier will say anything, take any picture, and show up at any location just to get elected.

What's next? Will the Premier and one of his band of merry ministers show up at a pet store, stand among the puppies and announce the redesign of the logo of yet another provincial corporation?

The fact of the matter is that this lazy Liberal government fails to act over and over again. Just ask the chief of surgery at CHEO in my great city of Ottawa, Dr. Baxter Willis, who was quoted in last Saturday's Ottawa Citizen regarding the utter lack of focus this government has for improving wait times for pediatric surgery: "There are some services where the waits do appear to be particularly long and the psychological trauma of having to wait six, 10 or 12 months wears on both the child and family, especially a child who is going to have a major spine operation."

#### *Interjections.*

**Ms. MacLeod:** Mr. Speaker, we've touched a nerve.

One of the last things any parent wants to hear is that their young child needs surgery. It is shameful that parents and children in eastern Ontario, and in fact all of Ontario, have to wait up to 12 months for ear, nose and throat, spine, and dental surgery.

This Premier seems to think that streamlining the process to get your child's birth certificate somehow trumps getting these suffering children into the operating rooms and on the road to recovery. As a parent, I can speak with authority when I say that if I had a choice between getting my daughter's birth certificate 30 days sooner or getting my daughter's spine, nose, ears or throat operated on, I would choose the health of my daughter over the Premier's bureaucracy in a heartbeat.

In closing, I would just like to say this: I, and people all over the great province of Ontario, hope that in the design of this new website the government services

minister and the Premier were thoughtful enough to include a check box so they can get the retroactive death certificate for this sorry Liberal government.

**Ms. Shelley Martel (Nickel Belt):** I am pleased to respond on behalf of New Democrats to the statement that was made by the Minister of Government Services. I was at the press conference this morning when the minister announced the online newborn birth registration service, and I've got to tell you that the government missed the boat entirely this morning.

The problem isn't not having enough time to register your child; the problem is that too many parents in Ontario can't afford the fee that they have to pay to register the birth of their child with the municipalities. If a child goes unregistered, then the parent can't get a birth certificate, and they have to pay \$25 for the birth certificate. If they can't get a birth certificate, then they can't get a social insurance number. And the problems go on and on and on.

#### **1400**

If you can't pay the fee to the municipality to register your child because you can't afford to, then you can't do all of these other things. So completing your baby's birth certificate registration form online, which then goes to the municipality to process, will not help you at all if you can't afford to go to the municipality to actually pay the fee attached to the registration.

Does the government know that there's a problem with this fee? Yes, they do. On July 24, 2006, the Globe and Mail quoted Mr. Paul de Zara, who works for the minister. Here's what he said: "Studies have shown that the fees now charged by municipalities to register births result in some parents failing to record their children—an oversight that creates a crippling set of problems later on, since it's impossible to get a birth certificate unless a child's birth has been registered."

Let me tell you, it's not just some parents. Since 1996, when the former Conservative government permitted municipalities to charge a fee for registering a birth, a situation that remains in place under the Liberal government today, some 30,000 babies have gone unregistered and unreported in Ontario. That makes it impossible for the province to keep an accurate count of the population, because those births being unregistered mean that the deaths are unregistered too.

Dr. Arne Ohlsson, who works at Mount Sinai and who is also a member of Public Health Agency of Canada's Canadian Perinatal Surveillance System, says that it's difficult for policy-makers to decide what prenatal programs are needed to prevent early deaths or sick babies if you don't have an accurate count of births. He also said—and this is in the Sudbury Star in July—"It's a huge problem; it's appalling. If you don't have the baseline data, you cannot really compare and see what happened after we introduced a new intervention." He also said that babies who are not registered are usually the most vulnerable. They are born to moms who can be illiterate, who are homeless, who are poor, etc. That is why he said that the birth registration fee is uncon-



stitutional, violates the United Nations Convention on the Rights of the Child, and needs to be cancelled.

Let me give you an idea of some of those fees: \$28.50 in Hamilton to register your child; \$33 in Ottawa; \$35 in Toronto. Don't forget, that's just the fee to get registered. Then you have to pay another fee to get the birth certificate, and it goes on and on.

So today was really the day that the government, since it knows that there's a problem, should have come forward and said that the government of Ontario is going to assume responsibility for the registration of births of newborns in the province and the government is not going to charge a fee to do that. But do you know what the problem was? It seemed that today, frankly, the government was far more interested in a photo op than they were in ensuring that families who can't afford to register their child because of the cost to do so will actually have their needs met.

So now we hear from the minister that the government is going to do something about this matter in 2007. How convenient. Probably just before the next election. The problem is, too many families can't afford to register their child now. The government should assume responsibility for this service, and the government should say now no more fees to any parent to register the birth of their newborn in Ontario.

#### *Interjections.*

**The Speaker:** Again today, we're having a few more private conversations than are good for any kind of decorum in this place. I'd ask members, if you wish to have private conversations, it would be good to do that in the lounge.

## ORAL QUESTIONS

### HEALTH CARE

**Mr. John Tory (Leader of the Opposition):** My question is to the Premier: Given your comment this morning that "As an Ontarian, if I had to choose between a privately funded doctor and no doctor, then I'd take the privately funded doctor, obviously," we're intrigued to hear that this is now government policy. Can you confirm that the government will accompany this new policy with a commitment to the 1.2 million Ontarians who don't have a family doctor, that you will fund their trips to Massena, to Buffalo and to Port Huron when they go looking for the health care they need because they don't have a doctor? Will you confirm that?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm pleased to report that there are 420,000 fewer orphan patients in Ontario. It is interesting to hear from the leader of the official opposition in his unaccustomed role now, apparently, as the champion of medicare. This is a party that wouldn't support our commitment-to-medicare act. This is a party that is devoting itself to taking at least \$2.5 billion out of our

health care system. We're bringing a different approach. We are making substantial investments in health care, whether we're talking about increasing the number of doctors, number of nurses, medical school spaces, community health centres, investments in long-term care and the like. We are making significant investments in and providing additional protections to public health care in the province of Ontario.

**Mr. Tory:** Another day and another non-answer. Let's just talk about the progress you're making, such that we have today 136 underserved communities in Ontario, up from 126 when you took office. That's real progress: 10 more communities where they don't have doctors.

Now, it's difficult to reconcile your comments. On the one hand you said today, this morning—your words—that you would choose private health care if no doctor was available, but now you say it's not government policy. Well, for the 1.2 million Ontarians who don't have a doctor, this is a very real choice that you mused about today—1.2 million Ontarians who are paying up to \$900 in your health tax that you said you wouldn't bring in. This is an astonishing admission of failure, an astonishing admission that you broke your promise, and I quote, to "ensure that services are available where you need them, when you need them."

Here is my question. I'll ask you again to clarify: Are Ontarians who don't have a family doctor being told by you that they should cross the border to get their medical care? Are you saying they should be able to pay privately here to get that care? Which is it?

**Hon. Mr. McGuinty:** I'm saying, "No," to both those questions.

**Mr. Tory:** You'll excuse us for being confused and excuse the people of Ontario for being confused. They know—

#### *Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. Attorney General. Order. I need to be able to hear the Leader of the Opposition put his question. The Leader of the Opposition?

**Mr. Tory:** The people are confused. Now, they do know that you would say absolutely anything to try and win an election.

#### *Interjections.*

**The Speaker:** The Minister of Health will come to order. Try again, Leader of the Opposition.

**Mr. Tory:** You are the one who said this morning that you would choose private health care. Your Minister of Health said he doesn't approve of private health care. Indeed, he said he would lie down at the border to stop people from coming across. Now you're saying that you would step over him on the way to Buffalo to see one of the people that he described as a snake oil salesman.

So what the people of Ontario are entitled to know from you, Premier, is this: Which is it? Is it private health care, or do you believe, as I do, that Ontarians should pay for their health care only with their own OHIP cards? Which is it? Are you going to step over the Minister of



Health or do you believe, as I do, only with the OHIP card?

**Hon. Mr. McGuinty:** It's always good to hear from the defender of the people, but I think it is important to compare and contrast their record with ours. In case Mr. Tory has forgotten this, they fired nurses by the thousands in Ontario. They closed hospitals. They compared those nurses, in fact, to hula-hoop workers. They closed hospitals and they closed emergency rooms.

We've introduced a Commitment to the Future of Medicare Act, which was not supported by that party. We are investing in public hospitals in the province of Ontario. We are expanding medical school spaces. We are hiring the nurses they fired by the thousands; we're now hiring them by the thousands. We are investing heavily in our community health centres. We are building a new medical school in the province of Ontario; in fact, it is up and running now. We've got three new satellites when it comes to our medical schools, as well.

I will gladly compare our record and our commitment to medicare in the province of Ontario any day against theirs.

1410

#### HOSPITAL FUNDING

**Mr. John Tory (Leader of the Opposition):** My question is to the Premier, and I'll say there is only one person in here who has talked today about sending people off to get private care in Ontario and that's the Premier of Ontario, Dalton McGuinty—the only guy in here.

The reason that you were asked about this is because of the crisis happening in emergency rooms in communities across this province. That includes Cambridge, Sault Ste. Marie, Hamilton and all kinds of other places. I've travelled across the province and visited many emergency rooms and I've heard the stories of people who are waiting hours and hours to see someone in those emergency rooms. Can you tell us what concrete actions your government is taking to deal with this crisis? What are you doing?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Firstly, the member, in his desire to manufacture a crisis, which is his style, indicated hospitals that aren't even in such a circumstance. It will come as a surprise to the people of Hamilton, as an example, where their emergency rooms are appropriately staffed, that this member has put them on a crisis list.

The circumstances with respect to emergency rooms are, of course, something that have been a challenge for the health care system for decades and no one has struggled with it more vigorously than the honourable member who sits beside the one asking the question. "Vigorously" is one word for it.

The point here is that in various circumstances two things are at play: That party cut hospital beds by 22%

during their time in office, and they also failed to produce a sufficiency of doctors. The strategies that we're involved in include creating a bigger group of doctors who will work in emergency rooms and providing care in appropriate places for people. That's why we've been able to capture 420,000 people who now have a doctor in Ontario and didn't under your—

**Mr. Tory:** Well, 126 communities underserved when they took office; 136 communities underserved today.

Premier, we know that the announcements that you've made to date aren't working. We know that, and you admitted as much when you said you would seek private care just this morning.

We have a document that you put out called Improving Access to Emergency Services: A System Commitment. It was commissioned in February 2005, but not released until January 2006. That report recommends a benchmark of six hours from the time an ER doctor decides to admit a patient until that patient is admitted to the hospital, and it recommends that current wait times in hospitals be reduced by 10% every six months until the benchmark is achieved.

Can you tell us specifically, hospital by hospital—or if you prefer, LHIN by LHIN—what progress we have made, and will you table a written report indicating whatever progress has or has not been made within 24 hours?

**Hon. Mr. Smitherman:** Firstly, with respect to the question or the assertion that the honourable member makes with respect to underserved communities, if he spent just a little bit of time talking to the longest serving health minister in the Harris-Eves government, that is, the member who sits beside him and enjoys the privilege of being his party's deputy leader, he would know that on her watch the number of underserved communities in Ontario went from 40 to 142, and under our watch, it's begun to be reduced. This is news that travels very slowly to those who are very poor listeners.

With respect to the challenges in emergency rooms, as we spoke a moment ago, the opportunities to address this relate to providing care for people in the most appropriate setting, building the capacity to be able to flow individuals through the hospital environment and creating a sufficiency of doctors in the hospital environment to meet those tests.

In Britain and other places where they've put arbitrary times in place, it has created circumstances that have not enjoyed improvements in patient care.

We'll continue to work with all of our hospitals that enjoy independent board governance in our province and Ontario's doctors to create better circumstances in emergency rooms, seeking to rebuild from a party—

**The Speaker:** Thank you, Minister.

Final supplementary.

**Mr. Tory:** The reason the news travels slowly is because, in fact, the news is that the number of underserved communities has gone up on your watch from 126 to 136, and whatever you can talk about, about



letting the good times roll and sitting back and saying it's all resolved, there are 1.2 million Ontarians today who don't have a doctor. That's the fact.

My question, again, is to the Premier. The reason that you can't tell us any of this is because your government has not made this a priority. Your health minister was asked to make this a priority a year ago and refused. Your government is sitting on another report, entitled *Improving Access to Emergency Care: Addressing System Issues*. You've had it since August and you won't let it see the light of day.

Premier, will you commit to releasing this report today, to letting us all see what the recommendations are and whether you've done anything about them since August while people sit and wait for care in these emergency rooms? Will you agree to table this report in the next 24 hours and let us all see what it says?

**Hon. Mr. Smitherman:** We're very happy to work with the honourable member towards the release of the report because the report is a damning condemnation of the work of that government while in office. The circumstances are clear. At the heart of the report it says that the circumstances we are experiencing in Ontario's emergency rooms relate to the fact that while that party was in office, under the Tory torment of Mike Harris and Ernie Eves and these two health ministers who sit proudly in your caucus, they reduced hospital capacity in the form of acute care beds in our province by 22%. At the very same time, they sat idly by on their hands, as you might say, as community after community experienced a shortcoming in terms of the number of doctors because they were unwilling to increase the size of our medical schools and they were unwilling to address the opportunity presented by our foreign-trained doctors.

You can spin it any way you want and you can pretend you were running things from the backroom, but the reality is clear to everyone: The circumstances in emergency rooms today were manufactured by your party.

#### VISITOR

**The Speaker (Hon. Michael A. Brown):** Please stop the clock. I would ask members to help me welcome in the Speaker's gallery Sir Michael Lord, MP, Deputy Speaker of the House of Commons in London, in the UK. Good afternoon, Mr. Lord.

#### HOSPITAL FUNDING

**Mr. Howard Hampton (Kenora-Rainy River):** My question is for the Premier. You promised to stop the creeping privatization and Americanization of our medicare system. However, today, Cambridge Memorial Hospital is expected to announce that a profit-driven private corporation is taking over emergency room services. That's the creeping privatization and Americanization of medicare you used to denounce from the rooftops, yet when you were asked earlier, you said you

will do nothing to stop this privatization of hospital services.

Premier, why won't you now stand up for medicare, as you promised, and stop the privatization of Cambridge Memorial Hospital's emergency room?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Again, if the leader of the NDP is such a strong champion of medicare, I ask him, on behalf of Ontarians, why did he not support our *Commitment to the Future of Medicare Act*?

I know the leader of the NDP would perhaps be aware that Med-Emerg has been operating in Ontario since 1983. What he may not be aware of is that when he and his party formed the government, there were at least 17 occasions in 17 different Ontario hospitals where Med-Emerg was offering and in fact was contracted to offer services. You may want to take that into consideration.

**Mr. Hampton:** This is the measure of the Premier's support for medicare. Yes, we've always had temporary doctors. This is the takeover of a hospital emergency room. This is quite a bit bigger, quite a bit more than that.

You also admitted this morning that your toothless tiger, your so-called *Commitment to the Future of Medicare Act*, would not stop the privatization of the Cambridge hospital emergency room, that your much-boasted-about *Commitment to the Future of Medicare Act* would do nothing.

We believe we must support medicare. We believe it is urgent. In fact, we have drafted an emergency bill to close the loopholes in your *Commitment to the Future of Medicare Act* and stop the privatization. Will you support our bill, Premier?

**Hon. Mr. McGuinty:** Again, I just wonder where the leader of the NDP is when it really comes to medicare, because he wouldn't stand up for the *Commitment to the Future of Medicare Act*. He proclaims this to be a fundamental breach of medicare, but when they were in government, the exact same situation occurred in 17 separate hospitals, and he closed his eyes at that particular time. Apparently that was acceptable then, but it's unacceptable now.

1420

The circumstances are less than outstanding, obviously. We're working very hard to expand medical school spaces to graduate more doctors. We've entered into a very competitive agreement—one which was decried, by the way, by the NDP—to ensure that Ontario doctors are paid handsomely for the wonderful services they provide here to the people of Ontario. That's the approach we're bringing. At the same time, of course, the Minister of Health is working very diligently to address this very specific emergency room issue.

**Mr. Hampton:** The approach you're bringing is to allow the privatization of a hospital emergency room, and you've had to admit that your toothless tiger, your *Commitment to the Future of Medicare Act*, would do nothing to prevent that—nothing.

New Democrats want to resolve this issue. That's why this summer our health critic put forward a plan modelled



on the plan that is being used today in Manitoba by the NDP government there. It would create a public agency of emergency room doctors who would be available to make sure emergency rooms can operate. We think you should adopt that plan. Instead, you said, "I would rather have a private doctor than no doctor at all."

Premier, is this the choice the McGuinty government now offers the people of Ontario: a private doctor working for a profit-driven corporation taking over the emergency room or no doctor at all?

**Hon. Mr. McGuinty:** I'm doing everything I can to restrain my own Minister of Health here.

One of the things the leader of the NDP is not telling us in terms of details connected with his particular bill is that his health critic is calling for our emergency room physicians to be paid more.

We are very proud of the agreement that we entered into with the Ontario Medical Association. I want to remind the leader of the NDP of what he said when we put out that OMA agreement. He said, "The agreement is wrestling doctors' salaries to the ceiling. Doctors got the key to the bank vault." He called the agreement a bribe. Now, he's calling upon us to top up emergency room doctors in Ontario. Again, it's very difficult, from one day to the next, to know where the leader of the NDP stands when it comes to supporting medicare and our emergency room doctors.

#### HYDRO RATES

**Mr. Howard Hampton (Kenora–Rainy River):** To the Premier: [*Failure of sound system*] for the money that you put into the OMA agreement and not tell people they have to pay privately to get a doctor in the emergency room.

Northern Ontario's mayors, all of its large forest company employers and major forest company unions are united in sending you one simple message: Reduce the northern Ontario industrial hydro rate to \$45 a megawatt hour, all inclusive, immediately. One and all, they are saying that their communities are being devastated by your disastrous policy of driving hydro rates through the roof, where you've killed 25,000 direct and indirect jobs already.

Yesterday, you didn't want to answer the question, so I will ask it again: Are you prepared to do what you said you were looking at doing eight months ago? Are you prepared to announce a reduction in the industrial hydro rate in northern Ontario to \$45 a megawatt hour all—

**The Speaker (Hon. Michael A. Brown):** The question's been asked. Premier?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Energy.

**Hon. Dwight Duncan (Minister of Energy):** First of all, we acknowledge the enormous difficulty faced by our northern industries and northern individuals with respect to the price of electricity. The Premier indicated some several months ago that we are looking at the whole regional-based pricing issue very closely. There are many

incarnations of that policy that we're looking at, many challenges with it. We want to make sure we get it right.

I should also remind the member that this government has spent close to a billion dollars to assist the forestry industry, everything through cogeneration initiatives undertaken by the Ontario Power Authority, uploading the cost of roads. The regional pricing issue could be a component that we will bring forward when we believe we have the right policy for the north and for those industries that are affected.

It's important that we be sensitive to that industry, to the north and to individual residents—

**The Speaker:** Thank you. Supplementary.

**Mr. Hampton:** The McGuinty government has held some photo ops in northern Ontario and you've put out some phony press releases in northern Ontario, but as far as paper mills, pulp mills, sawmills receiving the money that you promised, very few have seen anything at all. What they've seen is the loss of 25,000 direct and indirect jobs, almost all of them killed directly as a result of the McGuinty government's charging mills seven cents a kilowatt hour for electricity that only costs one or two cents a kilowatt hour to produce in northern Ontario.

Mayor Anne Krassilowsky of Dryden and Mayor Lynn Peterson of Thunder Bay addressed the government agencies committee, and this is what they said: "Our communities cannot wait. Government has got to take action now.... We have got to have competitively priced electricity and that means \$45 or less per megawatt hour all-in electricity pricing, and we've got to have the solution now."

I repeat, people in northern Ontario want an answer from the McGuinty government.

**The Speaker:** The question has been asked. Minister.

**Hon. Mr. Duncan:** The member opposite [*Failure of sound system*] some of the initiatives we have taken that are a lot more than "nothing" announcements. First of all, the power authority will be releasing the results of 1,000 megawatts of new cogeneration projects and has developed that program for that; \$220 million into Ontario's forest sector over these three years, in addition to the first announcement of \$330 million. Both announcements are on top of \$350 million in loan guarantees to ensure the ongoing competitiveness of Ontario's forest sector.

All of these announcements, taken together, represent a very solid commitment on the part of this government. And let me reconfirm our commitment to continue to work with that industry. We recognize it's a challenge. We will address the challenge in a responsible, prudent way to help ensure a vibrant future for the forest sector in Ontario's north.

**Mr. Hampton:** I think I understand why the Premier doesn't want to answer this question. The Premier was in Thunder Bay, where he said that the McGuinty government was going to look seriously at reducing industrial hydro rates. Now, eight months later, after thousands more jobs have been lost, what do we see from the McGuinty government? More dithering.



I just want to read the comments of some other mayors. This is what Mayor Peterson of Thunder Bay said, with her voice trembling: "We need to put a human face on this. These are real families with real jobs with real mortgages.... We've had enough. 'Soon, soon, soon' doesn't work." We need action "now." She said the McGuinty government must reduce industrial hydro rates in the north to \$45 a megawatt hour, all charges included.

Michael Power, the mayor of Greenstone, said, "This is where you have lost your house." This is where families are losing everything.

Premier, when are you going to act, or are you going to destroy more jobs through your misguided hydro rate hikes?

**Hon. Mr. Duncan:** Let me just assure the people of northern Ontario that this government is working to find those solutions, as we have up until now. But let me remind the people of northern Ontario what the member opposite has said about regional pricing in the past. It is often interesting to dig into quotes, and these aren't that old. Speaking about regionally based pricing, this is what the member said on June 27, 2002. He said, "This essentially means that the one-price system we've always had, the system that says we're all equal citizens of Ontario, would be gone. It means some consumers should be prepared to get whacked over the head." So who do you want to whack over the head, Mr. Hampton? Who? Tell the people of Ontario who. We're not going to whack people over the head. We're going to come up with a policy that serves all Ontarians.

Here's what he said on June 26, 2002: "It means that not only will the cost of electricity itself rapidly move up, but the cost of transmitting that electricity would increase as well." The member opposite—

**The Speaker:** Thank you, Minister. Stop the clock.

*Interjections.*

**The Speaker:** Order.

1430

## HOSPITAL FUNDING

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** My question is for the Minister of Health. Despite your denial that there is an emergency room crisis in this province or in my community, the Kitchener–Waterloo Record would beg to differ with you with this headline: "ER Crisis." I would say to you, Friday of this week is the last full day of coverage for our two emergency rooms in Kitchener–Waterloo. I am asking you today, Minister, what are you personally prepared to do and what personal responsibility are you prepared to assume in order that patients' lives are not put at risk? What plan do you have?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I would remind the honourable member of her time in office. From Chatham: "Chatham ER in Critical Condition"—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I need to be able to hear the Minister of Health in his response.

Minister of Health.

**Hon. Mr. Smitherman:** It seems like the member from Kitchener–Waterloo is interested in the Kitchener Record but not in her record. The sad reality is that emergency rooms knew no greater crisis than when she was in office. The circumstances are very, very clear. Our government has been working double time to make up for the lost time created by these two parties. When they were in office, they sat on their hands and they squandered the opportunity to produce a sufficient number of doctors. You can't make a doctor as fast as you can make a pizza. You can pretend all you want, but you just can't.

The honourable member knows that the Health Services Restructuring Commission brought to her recommendations about alterations to health delivery in her community. Every other community went forward. The Wellesley Hospital closed; 28 other hospitals closed; 20 emergency rooms closed. And this member—

**The Speaker:** Thank you, Minister. Supplementary.

**Mrs. Witmer:** For three years, this government has mismanaged our health system. This government has attempted to deflect any problems to local hospitals, doctors, anybody except themselves.

You know that there is a report sitting on your desk with recommendations that deal with working conditions in emergency rooms, that deal with human resource issues. We know we need more nurses, we know we need more staff, and yet you refuse to take action. I ask you today, when will you release that report, when will you act on the recommendations, and when will you ensure that patients' lives will no longer be put at risk?

**Hon. Mr. Smitherman:** The honourable member, demonstrating a new-found passion to the issue of patients in the province of Ontario, should have asked herself some similarly hard questions when she had the chance to produce a sufficient number of doctors for the province. She talks about processes and working conditions. These are locally occurring circumstances. Why is it that you deflect the responsibility created between local hospitals and their physicians? That is their relationship. It's theirs to manage. And you deflect all of that to Queen's Park.

The report that you wish to have released will soon be released. But you should not wish for its release, because the one thing that is fundamentally clear in that report is that it lays the responsibility for today's problems at your feet, because you reduced by 22% the number of acute care beds in Ontario.

## WATER EXTRACTION

**The Speaker (Hon. Michael A. Brown):** New question. The member for Toronto–Danforth.

**Mr. Peter Tabuns (Toronto–Danforth):** There will be a test at the end of this session.



Mr. Speaker, my question is for the Premier. Premier, the following quote, I'm sure, will sound familiar to you: "We will stop allowing companies to raid our precious water supplies.... When companies want to bottle our water or export it as part of other products, the Harris-Eves government gives it to them free.... We will end this reckless giveaway."

It's from your 2003 election platform. So when can Ontarians expect you to stop the reckless giveaway and introduce water-taking fees that you promised over three years ago? You made the promise, Mr. Premier, so it would be best to have you answer that question.

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I refer this to the Minister of the Environment.

**Hon. Laurel C. Broten (Minister of the Environment):** I am the one who has the privilege in this government to be delivering day after day on work in this province to ensure that we have a future of clean, safe, abundant drinking water. The work that this government has done to ensure that Ontarians right across the province have clean, safe, abundant drinking water started early in the days of this mandate under my predecessor, Minister Dombrowsky, who immediately put a moratorium on permits to take water so that we could assess how much water we had in this province.

Then we followed up with a tougher system of permits to take water, the development of a Clean Water Act, over three years of consultation, \$120 million of scientific research being done right across the province to let us know, how much water do we have? How good is that water? What are threats to that water? The work is not done, and we continue to do that work each and every day.

**Mr. Tabuns:** Premier, since the Minister of the Environment won't answer the question, I'll come back to you. You could have introduced water-taking fees under the Clean Water Act, but your government refused. Countless environmental groups, community groups, your own expert panel, recommended that you implement water-taking fees so you'd have the revenue to implement, to monitor, to enforce source protection plans. Without adequate resources, these plans will fail.

In committee, we in the NDP put forward the amendments to allow you to keep your promise and implement water-taking fees. So, Mr. Premier, will your government commit today to introducing water-taking fees by the end of this year? Will you do that?

**Hon. Ms. Broten:** I would suggest to the member opposite that he has asked this question before, and I have answered it: at estimates, in the scrums, across the halls of this building. We are working on a plan to ensure that we are delivering on water-taking charges.

Your record with respect to determining what our government will or will not do is not that good. Bill 133: Member Churley forecast that we could take no action. And what did we do? We moved forward with Bill 133. Recently, you yourself indicated that we did not have the appetite or wherewithal to move with respect to a bottle

return, and soon after that, the Premier and I made that announcement.

I would suggest that you stay tuned. We've got three years down, one year to go. We are working on that plan. We want to deliver a plan that makes sense across the province, and you may have to eat your hat.

## HYDRO RATES

**Mr. David Oraziotti (Sault Ste. Marie):** My question is for the Minister of Energy. Minister, everyone here knows that jobs and industry in the north are going through a very difficult transition period. I think even the member of the third party can recognize that. Our government listened and took action. We responded in the forestry industry: an economic package at \$900 million, larger than that of the auto sector. I want to commend the Premier, the Minister of Energy and the Minister of Natural Resources for that.

It's unfortunate that the leader of the NDP has once again done a disservice to the people of northern Ontario by twisting the facts to suit his own political agenda. Today in the Sault Star, a headline reads "McGuinty Rejects Call for" regional hydro pricing. It's extremely important that we correct the record: The headline was misleading, and I want my constituents to know that this government is still giving serious consideration—

**The Speaker (Hon. Michael A. Brown):** I need you to withdraw the offending word.

**Mr. Oraziotti:** Withdrawn.

I want my constituents to know that this government is still giving serious consideration to the report on regionally based pricing. Minister, please share with me and my constituents what our government's position on this is.

**Hon. Dwight Duncan (Minister of Energy):** I want to thank the member for Sault Ste. Marie for being a tireless advocate on behalf —

*Interjections.*

**The Speaker:** Order. Minister of Northern Development, member for Timmins-James Bay. I need to be able to hear the Minister of Energy in his response. Minister?

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**Hon. Mr. Duncan:** It's understandable why they're reacting. They never did this in their term, and this government is continuing to look at that issue. The headline in the Star was simply wrong.

Let's remind the NDP what their leader says about regional-based pricing. I didn't get a chance to finish it in the last one. This is Howard Hampton in Hansard, June 26, 2002: "It means that not only will the cost of electricity itself rapidly move up, but the cost of transmitting the electricity would increase as well."

He also said, in his opposition to regionally based pricing, that three out of four people are saying, "Don't do it." That's in the Ontario NDP News Digest, June 27, 2002.

The NDP are trying to have it both ways. They can't. This government, under the Premier's leadership, is looking at the regional pricing issue. It's moving like no



government has before, with a consistent position that's aimed at protecting jobs in the north and helping our northern—

**The Speaker:** Thank you, Minister. The member for Sault Ste. Marie.

**Mr. Oraziotti:** You've set the record straight and clarified that this government is still committed to reviewing regional-based pricing. I find it a bit rich that the NDP rails against our government, given their disastrous record in my community of Sault Ste. Marie for more than a decade.

Apart from the regional-based pricing, companies across the north are telling me that they're prepared to make investments—

*Interjections.*

**The Speaker:** Order. The member for Sault Ste. Marie.

**Mr. Oraziotti:** Minister, what additional strategies are in place to help companies improve their efficiencies so they can see a positive impact on their energy bills?

**Hon. Mr. Duncan:** I want to assure the member that a big part of our strategy to help these industries cope with energy costs is helping them become more efficient. Our strategy includes a request for proposals that the Ontario Power Authority has released for up to 1,000 megawatts of new cogeneration projects, and I expect we'll be announcing the results of that very shortly.

We've also announced a program to provide incentives for up to 250 megawatts of demand response. I remind the third party that they opposed demand response programs in this House not too long ago for companies. The OPA's cogen RFP is intended to encourage the development of a significant amount of combined heat and power projects, while at the same time ensuring that they're economical for the province. In addition, OPG's unregulated asset, the revenue limit, has been extended for yet another year.

This government has moved the way no other government anywhere has moved to protect those industries. The job is not done. Thanks to members like the member for Sault Ste. Marie—

**The Speaker:** Thank you, Minister. New question.

### HOSPITAL FUNDING

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. We hear reference over and over again to a shortage of emergency room physicians and, in fact, when I tour the emergency rooms, as recently as this morning, and in talking to people who are in that part of the profession, they indicate that a big part of the problem is people who are leaving emergency rooms, who are working there, who are family practitioners, who choose not to spend any time there anymore. When I asked these very same people, on my tours and this morning, what the number one recommendation is in order to stop these people from leaving and maybe get some of them back, they say, "Get the

people who have been admitted to the hospital out of the emergency room and into a hospital bed."

The minister has a lot to say about old history on acute care beds. You could resolve that problem with the stroke of a pen tomorrow morning if you chose to do so. Why won't you do it? You've been in government for three years. Start accepting some responsibility for this.

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Firstly, to the honourable member, the circumstances are clear that we need more doctors to work in our emergency rooms, and one of the programs that we've instituted with the College of Physicians and Surgeons, where they've operated more recently—

**Mr. Frank Klees (Oak Ridges):** More beds.

**Hon. Mr. Smitherman:** Yes, I know you know a lot about beds, because you closed 22% of the beds that we had. And you know very well, sir, because of the construction crane that's on site at your local hospital, that more beds are on the way for York Central Hospital in Richmond Hill.

The point is that we have to grow the pie, that is, of the number of doctors who can work there, and one of those things that we're doing is working with the colleges to train more doctors to do so. The reality is that acute care beds have been reduced by 22%. We work to rebuild those through the investment stream that we're making with our partners at the Ministry of Public Infrastructure Renewal. We've offered more than 5,000 additional long-term-care beds since we came to office.

The answer to these challenges cannot be found alone in growing the size of our hospitals, but rather in aligning the appropriate services at the community level. The honourable member's suggestion that this can be dealt with simply by writing a letter demonstrates his complete naïveté.

**Mr. Tory:** The fact of the matter is that there are hospitals that have the physical space today and in fact have beds that aren't open that could be open. The Minister of Finance reports that you're awash in cash all of a sudden, by the way, gone from a \$1-billion deficit to a \$300-million surplus. The fact is that these emergency room people tell me they will not examine people sitting in a chair, that they'd rather phone the insurance company first before they practise medicine in those kinds of conditions because they find it an unacceptable way to practise emergency room medicine. Why don't you stop blaming everybody else, and start taking some responsibility? Open some of the beds that you could open that exist that aren't funded today, and relieve some of the pressure that they say is caused by your failure to act. That's what they say, not me.

**Hon. Mr. Smitherman:** I will not stand and take responsibility for the inaction of that party, but we will take the steps to address these long-standing problems in Ontario's health care system. They were, sir, manufactured under your watch. You continue to offer these simple bromides that fall apart on the most simple cir-



cumstance. You say that all you've got to do is write a little letter and all these beds will magically open, when the reality is that through their inaction, as they sat on their hands and watched the train wreck occurring before their eyes, they did not make the efforts to produce a sufficiency of the health human resources who, at the heart of things, provide the loving care that we're all talking about here. The honourable member, who likes big buildings, has decided that opening more hospital beds is the answer. But he has no answer for the circumstances created by his party, while he was a prominent player in the backroom, to deprive Ontario of a sufficiency of doctors.

### EDUCATION FUNDING

**Mr. Rosario Marchese (Trinity-Spadina):** Last night you met with trustees and parents of the Dufferin-Peel Catholic District School Board in an attempt to intimidate them into making cuts in the classroom.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I need to be able to hear the member for Trinity-Spadina place his question, and when he has started to place his question, I still need to be able to hear it. As soon as I sit down, I hear the noise again. That should not happen. It's not fair to the member. It doesn't provide any respect for the member and for his question. The member for Trinity-Spadina.

**Mr. Marchese:** I would remind MPPs that I was there until 10 o'clock, and oh, you tried to word it in nice, feel-good language, but the message was clear: Make the cuts or lose your jobs. Your government supervisor has proposed a budget that would cut reading recovery programs, close outdoor education centres, cut special education, defer desperately needed maintenance, cancel busing, close schools, and more. Would the minister stand here today and tell students and their parents which of these cuts the McGuinty government is going to make?

**Hon. Kathleen O. Wynne (Minister of Education):** It's been said about me that it would be good if I could be more intimidating, because what I actually did last night was that I went to build a relationship with this board. I think that 90% of politics is having a good working relationship with the people you need to work with. So that's why I went to the board. In fact, we had a very reasonable conversation. The trustees acknowledged that they were very happy that I had come there. I was following on the good work that had been done by the previous Minister of Education and the Minister of Education before that. The fact is that we have put \$128 million into the Dufferin-Peel Catholic District School Board. We've been working with that board for over a year. The staff have done a very good job in terms of looking at their budget and trying to come up with the efficiencies that they need. They know that the time is running out. The longer we go on without a balanced budget in place, the larger the deficit is, and—

**The Speaker:** Thank you. Supplementary.

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**Mr. Marchese:** In 2002, you launched a court challenge claiming that forcing trustees to make budget cuts violated the Charter of Rights. In 2006, you're trying to intimidate boards into doing exactly what you opposed. I guess this is the re-education of Kathleen Wynne. Look, why can't you simply admit that Dalton McGuinty has failed to keep his promise, admit that it is wrong to deprive students of remedial reading and clean schools, and announce that you will not be forcing any board to make cuts until the Conservative education funding formula has been fixed?

**Hon. Ms. Wynne:** Let's get this straight: When I was a trustee on the Toronto District School Board, I dealt with neither Gerard Kennedy nor Sandra Pupatello nor me. I was dealing with people who didn't believe in publicly funded education, I was dealing with people who believed in private education, and that is why—

*Interjections.*

**The Speaker:** Order. The member for Oak Ridges and the member for Trinity-Spadina will come to order.

*Interjections.*

**The Speaker:** I can wait. Order. I need to be able to hear the Minister of Education respond. Minister.

**Hon. Ms. Wynne:** What we've been doing since we were elected is changing the funding formula. We've invested more to increase the benchmarks. We have fundamentally changed the funding formula. We've put in a school foundation grant that was not there before. It is a work in progress. That is what we talked about at Dufferin-Peel last night. And I make no apology for trying to establish and continue a collaborative working relationship with trustees. I believe that school trustees should be in control of their boards. I believe that's in the best interests of children. We will continue to work on the funding formula and continue to make investments to keep those school boards in charge of their boards.

### FREEDOM OF INFORMATION

**Ms. Monique M. Smith (Nipissing):** My question is for the Minister of Government Services. Since taking office, I know that our government has shown a real commitment to building a more open and transparent government for all Ontarians. The Information and Privacy Commissioner reported that the former government had a dismal record when it came to access to information. I know that's what motivated the Premier to immediately respond to privacy commissioner Ann Cavoukian's 2004 annual report with a letter to ministries urging everyone to work to build a more open and transparent government.

Minister, as you know, this week is the first Right to Know Week in Canada. It is meant to help focus attention on an individual's right of access to government-held information and open and transparent government. What is our government doing to make it more open and transparent for all Ontarians?

**Hon. Gerry Phillips (Minister of Government Services):** I thank the member. I'm pleased to say we've



got a strong record of achievement in public sector transparency and accountability, and really led by our Premier. It was very early on in our mandate when the Premier sent a letter to all ministers and deputies, to use his words, "highlighting the vital importance of the Freedom of Information and Protection of Privacy Act."

It was just three weeks ago that he sent another letter to all ministers and deputies saying, "Although we've made great strides in improving turnaround times for FOI requests, there's still room for improvement. I'd like to emphasize again the importance of answering every request in a timely manner."

We are making progress. This is the Information and Privacy Commissioner's press release on her annual report. What she said there was, "Provincial ministries"—and this was just a few months ago—"were praised by the commissioner for a dramatic improvement in their 30-day-response compliance rate. Overall, ministries achieved an 80.1% compliance rate—a significant increase"—significant improvement—"and the highest compliance rate in 17 years." We are making good progress.

**Ms. Smith:** Minister, there has been some recent media attention regarding access to information and some criticism on the ability of the public to access government documents through the freedom of information process. This is a very serious matter. There is no doubt that we must continually work to improve openness and transparency in government, and the people of Ontario deserve our very best efforts. I recognize, as you've noted, that in the Information and Privacy Commissioner's report, we've seen rates go from 39% in 1996 to more than 80% in the annual report of 2005.

Minister, how has this government improved access, and what are some of the other ways that we are working to improve access?

**Hon. Mr. Phillips:** Again, I would just re-emphasize what the member just said and the importance that we do place on information. The Premier himself has put a high priority on this with a clear direction to all of us.

But we continue to look for more ways to improve. You may recall we brought in, just in the past few months, freedom of information legislation governing our publicly funded universities. The Fiscal Transparency and Accountability Act is really groundbreaking in terms of information, making sure that the province's books, before an election, are scrutinized by our Auditor General. Hydro One and Ontario Power Generation brought back in, under the Freedom of Information and Protection of Privacy Act; local public utilities, brought back in. The audit statute amendments give our Auditor General important access to some of our other public sector organizations, like the school boards and hospitals.

So the Premier has been encouraging us, or ordering the ministries, to make sure that we are complying to the best of our ability. But we also may take other significant steps, to make sure all of the organization is as open as possible.

## NATIVE LAND DISPUTE

**Mr. Robert W. Runciman (Leeds-Grenville):** I have a question for the Premier. Yesterday, our leader, John Tory, asked you about the ongoing costs associated with the illegal occupation of land in Caledonia. As you typically do, you refused to answer.

Today, I'd like to ask you about one specific cost and see if you'll give us the honour of an answer. Premier, are taxpayers picking up the cost of supplying hydro and water to the occupied site and, if yes, why?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the minister.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I do know that when the occupation had happened originally back in February, the local power provider had kept the power on in the houses that were there. It is my understanding that that power is still on. Once the transfer would have occurred to the province, at this time it would be the responsibility of the province.

**Mr. Runciman:** I think that was a yes. The minister yesterday, as well, when asked about the \$55 million and counting already spent at Caledonia, very cavalierly said it will "cost what it costs." I think you should have added, "It's only tax dollars and I'm a Liberal. What do you expect?"

Minister, a few weeks ago your Premier said occupation of the site over the winter was unacceptable. Now you're paying the hydro and supplying the water. You've collapsed on conditions before, and you're collapsing again. How can the good people of Caledonia ever hope to see a resolution of this matter when you continue to display weakness and lack of fortitude? How can they ever expect a resolution?

**Hon. Mr. Ramsay:** I think the member knows—he's been in government previously—that sometimes the responsibilities come to we who are in government. He's had that challenge also, that you have to step up to the plate and you have to face it. I'm very proud of the McGuinty government's approach to this particular situation.

In June, when we're in the midst of this and we're all working, and I'm asking for your assistance to help us solve this and to do this in a very cost-effective manner, your leader says, "Let's have a public inquiry and spend \$20 million to \$50 million to study this and ask questions." We're investing money for solutions, not just for asking questions.

1500

## AIR QUALITY

**Ms. Andrea Horwath (Hamilton East):** My question is for the Minister of the Environment. On August 30, I sent you a letter marked "Urgent" concerning greasy, black soot that rained down on Hamilton East several times this past summer. Homes and property were covered with sticky carbon emissions that we now know were contaminated with mineral dust, coal dust, coke,



soot, black rubber, iron ore particles, magnetic iron particles and traces of paint. You have been stone silent about the damage, the cleanup costs and the impact on human health. In my letter, I requested that you hold a public meeting immediately.

Minister, why do you not bother to respond to my urgent letter and why have you been invisible on this file?

**Hon. Laurel C. Broten (Minister of the Environment):** I would suggest that the member opposite pay attention to the work that's been done in her community by the Ministry of the Environment.

On September 6, ministry staff met with several residents to discuss their issues and concerns. Ministry staff explained that they had conducted site visits on July 30 at both the initial properties and visited several other properties in the following days to assess the fallout. They contacted parks and recreation to report the fallout on play structures, and the city cleaned that up to ensure the safety and security of the community. The residents were notified of the results of studies that are being undertaken. On August 9 to 11, samples were taken. A letter was provided on August 24, and a copy of those results was provided to you on August 25.

So perhaps the member opposite might want to pay attention to the work that's being done in her community and the actions that are being taken by the Ministry of the Environment.

**Ms. Horwath:** Minister, you need to pay attention to the voices of the people in my community who still don't know what the source of that contamination was. That's the very issue that you refuse to respond to to the people of Hamilton East, and you know darned well that's the case.

When the Harris government dismantled the ministry's east-end monitoring station in Hamilton and shifted the job of air-quality monitoring to the private sector, McGuinty Liberals howled in this House, but now this government, for three years, has done nothing at all to rectify that problem and restart an east-end monitoring system in the east end of Hamilton.

Will you agree here today, Minister—so that you can figure out where the soot came from—to hold public meetings and tell the people of Hamilton directly where that soot came from, as well as reinstate the monitoring system in the east end of Hamilton under public watch?

**Hon. Ms. Broten:** As the member should also be well aware, McMaster University's chemistry department is currently analyzing the samples in an attempt to locate, isolate and identify the source of soot. The environmental monitoring and reporting branch is also undertaking an analysis of where to place the mobile monitoring survey unit so that we can best detect where this material is coming from.

Again, if the member was aware of the reality in her community, she would know that the unit that has been relocated was not providing information to the community.

A summary report of all this extensive scientific analysis that needs to be undertaken is going to be

completed in very short order. We are working very closely with the community to respond to their concerns in a co-operative and consultative approach by working with all of the experts in the Hamilton community, including those who best know the air quality, including the Hamilton Air Monitoring Network and the Hamilton Industrial Environmental Association. Stakeholders—

*Interjection.*

**The Speaker (Hon. Michael A. Brown):** Thank you. The Minister of Health Promotion will come to order.

#### CLEANUP OF BROWNFIELDS

**Mr. Dave Levac (Brant):** My question is for the Minister of Municipal Affairs and Housing. As you know, brownfields are a major concern in my riding and many ridings in Ontario. Locally, many investors, developers, all the stakeholders, including the lead of the city of Brantford, have come together to clean up and then redevelop abandoned brownfield properties. This is a good thing to do.

Citizens in my riding are concerned because brown-field properties attract vandalism and illegal activities and are an unattractive element to neighbourhoods in which people have lived all their lives. My constituents are also concerned about property values in the neighbouring areas, negative health impacts and environmental effects.

Brownfields can be found in all Ontario communities, big and small, urban and rural. Brownfield redevelopment is a critical path to building a stronger, healthier community. Minister, I believe that redeveloping unused former industrial or commercial sites will help revitalize neighbourhoods and create jobs and housing in my community and many others. What can I tell my constituents about our government and what they're doing about these concerned pieces of—

**The Speaker (Hon. Michael A. Brown):** The question's been asked. Minister?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** Let me first of all say that this member has been a champion of getting the brownfields in his community totally cleaned up over the last three to four years that we've been in government. It's certainly the policy of this government to see as many brownfield areas in communities large and small throughout this province cleaned up as quickly as possible. It's a win-win situation: It's a win for the municipality, it's a win for the community, the contaminated site gets redeveloped, and taxation dollars can come from that.

What we've done is we've appointed a brownfields coordinator to basically provide a one-window-access approach to government to those interested in brownfield redevelopment. You may recall that last year our government introduced a brownfields financial tax incentive program which basically provides tax assistance to land-owners in order to encourage the environmental rehabilitation. The rules for cleaning up the sites have also been clarified, and property owners have been given protection from the imposition—



**The Speaker:** Thank you. There may be a supplementary.

**Mr. Levac:** Speaker, you can count on it. I deeply appreciate the opportunity in what our government is doing. I know we are planning to do even more, and I look forward to that day when we can tell all of our communities that we've got a handle on brownfields. So I appreciate that.

I'm glad to hear that the government understands. In the need for brownfield redevelopment, it's a win for absolutely everyone. We know that redeveloping brownfields revitalizes inner-city cores and discourages urban sprawl. It fits into our program of urban development and rural development, it fits into Places to Grow, it stops us from using agricultural land and it also stops us from developing sensitive environmental areas. However, I have heard concerns from my constituents about the safety of brownfield lands that may be used for residential or commercial growth. Minister, what are you doing to ensure that the safety of our citizens is moving forward in the spaces for this infill rather than allowing urban sprawl, and making sure our environment is safe for the people who will be using those facilities once we start cleaning them up?

**Hon. Mr. Gerretsen:** I'll refer that part of the question to the Minister of the Environment.

**Hon. Laurel C. Broten (Minister of the Environment):** I certainly agree wholeheartedly that the redevelopment of brownfield sites can help revitalize communities like the member's and like my own in Etobicoke-Lakeshore. But at the same time, we have to be absolutely sure that we ensure these sites are cleaned up in a way that protects human health and the environment now and to the future. We have some very strict cleanup standards for redeveloping brownfield sites and even stricter standards if a site is going to be used for a house, a school, a park or a playground.

We are also concerned about the water that might flow beneath these sites, and we require cleanup to the province's very high water quality standards. We have legal tools to require that actions be taken for effects off-site, and we need to be absolutely clear that the protection of human health and the environment is the absolute primary concern of the Ministry of the Environment, as we at the same time encourage the redevelopment of brownfield sites, because that too is good for the environment.

## PETITIONS

### TENANT PROTECTION

**Mr. John O'Toole (Durham):** It's a pleasure to get an opportunity to present with respect this petition to the Legislature.

"To the Legislative Assembly of Ontario:

"We, the undersigned citizens of Ontario, draw the attention of the Legislative Assembly of Ontario to the following:

"That, in the landlord-tenant tribunal hearing, mail service in a rental agreement is not considered a vital service;

"Therefore, your petitioners respectfully request that the Legislative Assembly of Ontario revise the Landlord and Tenant Act to include mail as a vital service in a rental agreement, when so many receive government-issued cheques, benefit cards and notices vital to their ability to cover the cost of living."

I'm pleased to sign and endorse this and present it to Breanna on behalf of my constituents in the riding of Durham.

1510

### ACCESS TO HEALTH CARE

**Mr. Tony Ruprecht (Davenport):** I have a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas the people of Ontario deserve a universal, high-quality public health care system; and

"Whereas numerous studies have shown that the best health care is that which is delivered close to home; and

"Whereas the McGuinty government is working to increase Ontarians' access to family doctors through the introduction of family health teams that allow doctors to serve their communities more effectively; and

"Whereas the McGuinty government has fulfilled its promise to create new family health teams to bring more doctors to more Ontario families;

"We, the undersigned, petition the Legislative Assembly of Ontario to support the McGuinty government's efforts to improve access to family doctors through innovative programs like family health teams."

Since I agree, I am delighted to sign this petition.

### WATER QUALITY

**Ms. Laurie Scott (Haliburton-Victoria-Brock):**  
"Amend the Clean Water Act

"To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:



"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

It was signed by many people at the International Plowing Match in Peterborough county last week.

### CHILD CUSTODY

**Mr. Kim Craiton (Niagara Falls):** I'm pleased to introduce this petition on behalf of a number of residents from Welland, like Sheila Volchert and Josh Snider. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the people of the province of Ontario deserve and have the right to request an amendment to the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and their grandparents; and

"Whereas subsection 20(2.1) requires parents and others with custody of children to refrain from unreasonably placing obstacles to personal relations between the children and their grandparents; and

"Whereas subsection 24(2) contains a list of matters that a court must consider when determining the best interests of a child. The bill amends that subsection to include a specific reference to the importance of maintaining emotional ties between children and grandparents; and

"Whereas subsection 24(2.1) requires a court that is considering custody of or access to a child to give effect to the principle that a child should have as much contact with each parent and grandparent as is consistent with the best interests of the child.

"Subsection 24(2.2) requires a court that is considering custody of a child to take into consideration each applicant's willingness to facilitate as much contact between the child and each parent and grandparent as is consistent with the best interests of the child."

And whereas we support Bill 8, as introduced by the member from Niagara Falls;

"We, the undersigned, hereby petition the Legislative Assembly of Ontario to amend the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents."

I'm pleased to sign my signature in support of this bill.

### SCHOOL NUTRITION PROGRAMS

**Mr. John O'Toole (Durham):** I believe this process of petitions is very important to give voice to the people of Ontario. As follows, the petition reads:

"Whereas recent scientific research has proven there is a link between children's nutrition and academic performance; and

"Whereas less than 25% of Canadian children eat in accordance with Canada's food guidelines; and

"Whereas Breakfast for Learning, the Canadian Living Foundation, is the only national non-profit organization solely dedicated to supporting children's nutrition programs in Canada; and

"Whereas the need for nutrition programs in schools has more than doubled, resulting in grant requests that far exceed the level of funding received from the Ontario provincial government;

"I/we, the undersigned, petition the Legislative Assembly of Ontario to commit" the Liberal "government to support children's nutrition programs by increasing funding to Breakfast for Learning, the Canadian Living Foundation, from \$4.5 million to \$9 million, as requested in their submission to the minister."

I'm pleased to endorse this and present this to Julia on behalf of the constituents in the riding of Durham.

### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** I do keep receiving petitions from the Consumer Federation of Canada, which takes this issue very seriously. The petition is addressed to the Parliament of Ontario and the Minister of Government Services. It reads as follows:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating;

"Therefore we, the undersigned, demand that Bill 38, which passed the second reading unanimously in the Ontario Legislature on December 8, 2005, be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information, such as SIN and loan account numbers.

"(2) Should a consumer reporting agency discover that there has been an unlawful disclosure of consumer information, the agency should immediately inform the affected consumer.

"(3) The consumer reporting agency shall only report credit-inquiry records resulting from actual applications for credit or increase of credit, except in a report given to the consumer.

"(4) The consumer reporting agency shall investigate disputed information within 30 days and correct, supplement or automatically delete any information found unconfirmed, incomplete or inaccurate."

Since I agree, I'm delighted to sign this petition as well.

### PROPERTY RIGHTS

**Mr. Norm Miller (Parry Sound-Muskoka):** I have a petition regarding property rights.

"To the Legislative Assembly of Ontario:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and



"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the peaceful enjoyment and free disposition of his property, except to the extent provided by law'; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and

"Whereas the decision of an expropriating authority should be subject to judicial review; and

"Whereas, subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition to the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

I support this petition.

#### MACULAR DEGENERATION

**Mr. Kim Craiton (Niagara Falls):** I'm pleased to introduce the following petition to the Legislative Assembly of Ontario:

"Whereas the government of Ontario's health insurance plan covers treatments for one form of macular degeneration (wet), and there are other forms of macular degeneration (dry) that are not covered,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"There are thousands of Ontarians who suffer from macular degeneration, resulting in loss of sight if treatment is not pursued. Treatment costs for this disease are astronomical for most" individuals "and add a financial burden to their lives. Their only alternative is loss of sight. We believe the government of Ontario should cover treatment for all forms of macular degeneration through the Ontario health insurance program."

I am pleased to sign my signature in support of this petition.

#### CHILD CUSTODY

**Mrs. Christine Elliott (Whitby-Ajax):** I have a petition on behalf of Cangrand.

"To the Legislative Assembly of Ontario:

"Whereas the people of the province of Ontario deserve and have the right to request an amendment to the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and their grandparents; and

"Whereas subsection 20(2.1) requires parents and others with custody of children to refrain from unreason-

ably placing obstacles to personal relations between the children and their grandparents; and

"Whereas subsection 24(2) contains a list of matters that a court must consider when determining the best interests of a child. The bill amends that subsection to include a specific reference to the importance of maintaining emotional ties between children and grandparents; and

"Whereas subsection 24(2.1) requires a court that is considering custody of or access to a child to give effect to the principle that a child should have as much contact with each parent and their grandparent as is consistent with the best interests of the child.

"Subsection 24(2.2) requires a court that is considering custody of a child to take into consideration each applicant's willingness to facilitate as much contact between the child and each parent and grandparent as is consistent with the best interests of the child.

"We, the undersigned, hereby petition the Legislative Assembly of Ontario to amend the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents."

I'm pleased to affix my signature in support of this petition and to provide it to Dominic.

1520

#### PROPERTY RIGHTS

**Mr. Gerry Martiniuk (Cambridge):** I have a petition on protection of property rights.

"To the Legislative Assembly of Ontario:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the peaceful enjoyment and free disposition of his property, except to the extent provided by law'; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and

"Whereas the decision of an expropriating authority should be subject to judicial review; and

"Whereas subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

As I agree with the petition, I affix my signature thereto.



## LONG-TERM CARE

**Mr. John Milloy (Kitchener Centre):** I have a petition here from the Forest Heights Long Term Care facility about care within long-term care. It says:

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

## PROPERTY RIGHTS

**Mr. Frank Klees (Oak Ridges):** This petition is presented to the Legislative Assembly of Ontario:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the peaceful enjoyment and free disposition of his property, except to the extent provided by law'; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and

"Whereas the decision of an expropriating authority should be subject to judicial review; and

"Whereas subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

I'm pleased to affix my signature to this petition, and I present it to page Sarah to present to the table.

## ORDERS OF THE DAY

TRADITIONAL CHINESE  
MEDICINE ACT, 2006LOI DE 2006 SUR LES PRATICIENNES  
ET PRATICIENS EN MÉDECINE  
TRADITIONNELLE CHINOISE

Mr. Smitherman moved second reading of the following bill:

Bill 50, An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts / Projet de

loi 50, Loi concernant la réglementation de la profession de praticienne ou de praticien en médecine traditionnelle chinoise et apportant des modifications complémentaires à certaines lois.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I'd just like to indicate at the beginning that I have the privilege today of sharing my leadoff time with three members of the Legislature who participated in the development of a report that has led to this piece of legislation: my colleague the Minister of Citizenship and Immigration, my colleague the member for Ottawa Centre and my colleague the member for Mississauga East. I want to thank them for their work.

I really want to thank the honourable member from Niagara Centre, who's heckling from outside his seat, and I want to welcome to the gallery Professor Cedric Cheung and others from the traditional Chinese medicine community who have been such passionate supporters of the work we're doing.

I just want to very candidly acknowledge from the get-go something that the people who are following the issue of traditional Chinese medicine would be aware of, here at the Legislature of Ontario today. We know, of course, that across the province of Ontario, hundreds of thousands of individuals—some on a consistent basis and others perhaps only from time to time—are taking advantage of the services of acupuncture and traditional Chinese medicine. We know as well, from the work that these members did, and in the response to the legislation we presented and, indeed, from the historic circumstances of the debate in British Columbia, that it is very, very difficult to brook the divide that does exist between those practitioners I might describe as more traditionalist and those who have added acupuncture as a service in addition to the work they do as regulated health professionals.

You will hear more through the course of this debate and perhaps from the opposition party—if, after one year, they can actually find the time to take a position, that is. You will find some who say it's necessary to bring these two positions together. We've worked hard to be able to do so, but at the end of the day a fundamental impasse has occurred, and I think it's crucial I speak to that very specifically today.

It was said, as I understand it, in a press conference organized here earlier today, sponsored by the honourable member from Kitchener, that individuals would not support the legislation—did not recommend the legislation—because it was placing patients of the province of Ontario at risk.

We believe fundamentally that the work that was done here in the early 1990s to create regulated health professions in a variety of areas, and to establish alongside those colleges with the principles of self-governance intact, and appropriate measures respecting training and compliance with educational standards—and indeed, all of those opportunities for patients to raise queries, questions and concerns to colleges—are part of the



foundation that should give appropriate confidence that if a physiotherapist or a chiropractor is appropriately trained, they, too, should enjoy the privilege of being able to deliver services, including acupuncture. I have received acupuncture on a number of occasions from a physiotherapist. I do so with considerable confidence.

I understand, of course, that inherent in this debate is the desire on the part of those who have been long-standing practitioners of traditional Chinese medicine that we not look past the vast experience that they have; that we not misunderstand the cultural training and education that they have, which does equip them very, very well to be able to deliver those services as well. We believe fundamentally that we should move forward with the regulation of traditional Chinese medicine, because we know that hundreds of thousands of people in the province have decided that these services are good for them and, accordingly, we are obligated as a government to ensure that the protections that are there for them are strong.

But I offer this assurance. I understand the distinction that exists on the issue of whether other regulated health practitioners should be allowed to deliver acupuncture services, and I respectfully do not agree with those who say, "No, they should not," that is it is not possible to offer the assurance of safety to our patients. I don't agree with that position. At the same time, I do feel strenuously compelled to work hard to try and make the point to those more traditional providers that we understand fundamentally that their long history and education must be appropriately respected. We have worked hard to give assurances that that will be the case.

We took the consultation report that involved my colleagues working very hard, being open, meeting with people and taking their depositions, and that informed a report which subsequently was presented to me as minister, and that has informed the piece of legislation that stands in my name and that I am very, very proud to be speaking about today. It's designed to ensure that TCM and acupuncture, as with every other facet of our health care system, is delivered in a safe way. The highly skilled and trained women and men who work in this field have the right to regulate their profession—and that is incorporated here—and to demonstrate their qualifications to the public by being able to use the title "doctor."

1530

We all know the discussion of doctors is one that is very relevant in our everyday lives and here on the floor of the Legislature today. We know that in our communities it is a title that is reserved for those who have accomplished a very particular, impressive feat. These are learned people and they appropriately enjoy a degree of respect in our communities that, as a politician, I sometimes leave myself only hoping for. That privilege is a demonstration of the degree to which we feel fundamentally that practitioners of traditional Chinese medicine deserve the right to call themselves doctors.

In the circumstances where a person is a physiotherapist or a chiropractor who is also delivering services

related to acupuncture, they would not have the privilege of being able to use that title unless they had worked through the College of Traditional Chinese Medicine in the same way as those long-standing traditional practitioners. We think that this is a very crucial bit of evidence about the degree to which we believe fundamentally in the quality of the health care that can be provided by these individuals.

I mentioned at the outset, or perhaps it was in my media scrum just a few minutes ago, that we are the second province to undertake this initiative. You know, one might have predicted at the outset of a discussion about traditional Chinese medicine that the debate that did ensue, and the division which has occurred around the best way to go forward, I believe, does mirror quite closely the same divisions and debate that occurred in British Columbia as they sought to move forward on this basis. It's not to say that we blindly follow where others have gone, but on the issue of traditional Chinese medicine, the British Columbia model has offered us good information about some of the best ways that we can look at being able to move forward. In order to be an acupuncturist, an individual would have to register with the college and, in the case where other health professionals are offering these services, like chiropractors and physiotherapists, this could only be done in keeping with the scope of practice identified for those individuals. The bill is consistent with the Regulated Health Professions Act, and we must keep in mind, again, on this point of safety, that those other practitioners do have very intense certification and qualification associated with their regulated health profession and the college.

As well, as we sought and looked at the literature—as they say, as we looked to the worldwide landscape for some guidance in terms of how we might move forward—we did very closely look at the World Health Organization. I believe that people who are learned on this subject would confirm that the model for the bill that we brought forward is consistent with the information, consistent with the World Health Organization's position on these various matters.

I want, just in the last minute or so, to conclude with a few more words of thanks. We had the privilege as a political party of campaigning on this initiative in the election campaign of 2003. I remember decidedly a number of constituents of mine who saw that initiative and had excitement associated with it. As I said at the outset, we're very, very proud of the privilege of being able to move forward on this initiative. We believe that this bill strikes a very good balance between the perspectives that are there, and I fully acknowledge those perspectives. I've sought and worked as hard as I could to understand them and I believe that the resolutions that we found are the very best resolutions that we can offer to the people of the province of Ontario, although I am candid and admit that they do not, at present, enjoy the unanimous support of all. It has been the suggestion of the official opposition, in a press release or quotation today, that a bill that was presented to this Legislature on December 7



of last year does still not yet enjoy from them an opinion. There was a suggestion as well by quotation that they thought that until such time as consensus had formed, it was not appropriate to move forward. I don't believe that the consensus, which is obviously desired, is achievable in this circumstance necessarily, but I do want to say that, as every other bill that I've had the privilege of moving into this legislative chamber has enjoyed public hearings, I rather suspect that through the good offices of the government House leader and the co-operation of opposition House leaders, we will provide even further opportunity in another format for MPPs, members of a committee of the Legislature, to hear from the people of the province of Ontario and to offer whatever view they might towards improvement of the bill.

To all of those that have participated in bringing us to this point, I just want to thank them one more time and acknowledge the pride that I have in bringing this forward and to encourage everyone to take part in this debate and to look forward to a day very soon when we can offer a very high standard to the people of the province of Ontario, offer doctors of traditional Chinese medicine and offer to the people of the province a very firm indication of our desire to see other forms of health care available and offered to people in a fashion which, at the very heart of it, offers them appropriate protections.

**The Acting Speaker (Mr. Michael Prue):** I have to ask, are you sharing your time? I see several people standing.

**Hon. Mr. Smitherman:** I did say at the beginning that I'd be sharing my time with three members.

**The Acting Speaker:** Three members. The member from Mississauga East.

**Mr. Peter Fonseca (Mississauga East):** It gives me great pleasure to speak after my colleague the Minister of Health, George Smitherman, and with the other colleagues who travelled around the province: Minister Mike Colle, MPP Richard Patten and MPP Tony Wong. We got a chance to meet with hundreds of stakeholders across the province, in many different communities, to be able to make this piece of legislation the best possible, learning from other jurisdictions like British Columbia, the only other province that has regulated traditional Chinese medicine.

I'm going to give you just a short anecdotal story here about my own experience with traditional Chinese medicine and how it cured me and really helped me make my way to the Olympic starting line in the marathon. This should have been around 20 years ago when I was competing as a long-distance runner on Canada's national team, because I hurt my Achilles tendon; for anybody here, your Achilles tendon is just above your ankle. I went to my regular doctors and specialists trying to get this fixed, and I needed it fixed as soon as possible so I could get back to training. But it stayed inflamed, and the inflammation would not go down. There's very little blood that gets to that area in your body, so I took many anti-inflammatories—for those who haven't taken them, they affect your stomach a lot—and they just weren't working.

Then I read a magazine, and I saw that some European distance runners were accessing traditional Chinese medicine where it had been regulated. Well, I searched and searched and really couldn't find somebody whom I would have assurance in who would be able to perform something that I was not used to, which was acupuncture. I did go down to Chinatown and spoke to different people but still did not have those assurances. Finally, I did contact somebody in the United States, and they put me in contact with somebody here whom they knew had performed acupuncture and had gotten the type of results that I was looking for. I did go meet this individual in downtown Toronto, actually at Bathurst and Bloor. After many months of not being able to train, I started an acupuncture treatment with this person and, within a couple of weeks, I was out again on the road training and being able to race within a couple of months.

**Mr. Jeff Leal (Peterborough):** Back on track.

**Mr. Fonseca:** Back on track. So this has been needed for a long time. It is great.

What I'm saying is that Western medicine works in many instances, but this Minister of Health, George Smitherman, and our government see that innovative, non-Western, non-traditional—as we see traditional—medicines have to come into play so that people can access those for their betterment. It worked in my case, as I'm sure this will work in thousands of cases. Now others won't have to jump through the hoops, because once this profession is regulated, they will have the assurances that those who run through this college will have the expertise, the hours, the training that will be needed to assess and diagnose somebody who has an ailment, and how they can best use the profession of traditional Chinese medicine to better that individual. So this will go a long way.

Also on the running front, I'd like to congratulate the Minister of Health, who actually completed the Toronto marathon this past weekend, which was pretty amazing. I think this whole House should know that, if you don't know that. But I think it was terrific. Also, he raised over \$100,000 in that event for charity.

As we listened to the different deputants as we travelled through the province, we kept hearing over and over the type of standards they wanted, and they were those of an excellent level: the many hundreds of hours of not just theory but also practice, and being able to diagnose and to treat people so they can best cure them.

**1540**

When we went out there, what came about from the different deputations was that they wanted set standards of practice so there would be set standards that everybody would know about. They wanted to establish requirements for entry into the profession. This would come about through the college. Number three, they wanted to ensure that members are up to date on recent developments in their field, and four, develop a complaints and discipline process for members. All this was hashed out through the many people who presented to us.

We did look at what they had done very well in British Columbia, to adopt many of those practices over here to



Ontario, as well as taking a broader perspective and seeing where things had not worked out in British Columbia, to be able to bring better practices here to Ontario.

We are very supportive as a government of alternative medicines, alternative health care. Not everybody finds the best way to better health through traditional methods, and this will bring about that alternative. It's one step in the direction we should have taken, as I said, many years ago. There are many individuals out there who are frustrated. They can't find help and they don't know where to access these services. They are worried that anybody and everybody out there can just hang a shingle today and call themselves a traditional Chinese medicine practitioner or be able to say that they do needling or acupuncture, and they may not be doing it in a way that has efficacy. We want to make sure that the public is safe, but also that the public can, as myself, scout out somebody who is able to perform traditional Chinese medicine and bring about the benefits they are looking for.

We had not only many stakeholders, as far as those who would be practising, but patients, those who had accessed traditional Chinese medicine and how it had cured them and helped them after their long struggle with other types of medicine that had not worked.

I cannot be prouder of our government for moving forward in this respect. It leads me into a ministry that our government formed a little over a year ago, which is the Ministry of Health Promotion and prevention. This type of medicine is one that looks holistically at the individual and at what really is the root cause of the problem, not just the symptoms. Oftentimes we get left behind because, yes, we address the symptoms—and that's okay for a month or a week or half a year or a year or even two years—but then the ailment crops up again. What's great about traditional Chinese medicine is that they look at the holistic approach and at the root cause of this. Sometimes it's not just around where you're feeling the ailment, be it a headache, or for myself an Achilles injury, or some other type of injury or effect that you are feeling; it may be coming from somewhere outside of that area. It was so interesting to listen to our presenters explain that and the thousands of hours of training they have gone through to be able to diagnose and present the patient with this holistic approach towards curing them.

I want to thank those who are here, the stakeholders, many of whom participated in our round tables and made deputations to our committee, and all those who couldn't be here, for their great, open approach to helping Ontario be a much healthier place. I thank you very much.

**The Acting Speaker:** Before I recognize the minister, there's a great deal of talking going on. It's very difficult to hear. If you're going to talk, please keep it down. Thank you.

**Hon. Mike Colle (Minister of Citizenship and Immigration):** I want to thank my former student, the member from Mississauga, who represented this country as an Olympic athlete. Few of us have had that privilege. He was a great representative of Canada at the Olympic

Games in Atlanta, and I want to congratulate him again on doing that, and also the Minister of Health for having the courage and the strength of purpose to introduce and support this very timely bill.

As some of you know, I introduced a private member's bill when I was in opposition to recognize traditional Chinese medicine. I was very proud to do so because I think the bill I introduced was a reflection of the fact that there are so many talented people and very skilled doctors who have come to Ontario from all over the world, especially China, who have done so many beneficial things for the health of Ontarians for the last number of decades, and they've really done this great work without recognition. Some of these men and women, who have 10 or 15 years of training in China, are of great value to our health system here and to the health of Ontarians. This bill is a testament to their skills, their talent, their dedication, which they've offered at very low cost to people of all walks of life for decades here in Ontario. I really want to thank them for making me aware of how important traditional Chinese medicine is.

Like my colleague who just spoke, I've also had acupuncture treatments, tuina massage and Chinese herbal medicine remedies. Any of us who have had that experience know that it is not invasive. It is very remedial and it is, again, a very non-intrusive way and a less costly way also of improving our health, without all this dependence on surgery and pharmaceuticals. Pharmaceuticals are costing us an extra \$300 million a year. If we keep going this way, the chemical pharmacies in this province will bankrupt us.

We need to have respect for alternative complementary medicine. TCM, by being recognized, will not only provide better health to many more Ontarians, but will also help us to have a better health care system, a more effective, more affordable and even a more forward-looking health care system that doesn't just depend on surgery all the time, hospital beds and intrusive—again, the use of drugs.

I have to thank two of the guests who are here today who have made me aware of the complexity of traditional Chinese medicine but who helped me to understand it. Dr. Dong is here, who's a neighbour, and Dr. Mary Wu. I can name so many others who have worked so tirelessly to try to talk to groups about the value of this medicine, to explain to them and to me why it is so critically important that the government of Ontario recognize the value of these practitioners.

At this point in Ontario, anyone in this room could claim to be a practitioner of traditional Chinese medicine. Any one of us could start to stick needles in people. There are no restrictions. It's a free-for-all in Ontario. You could prescribe traditional Chinese herbs or undertake acupuncture treatments if you're a shoemaker, a hairdresser, a construction worker. Right now in Ontario, there are no protections for anybody. Anyone can claim to be a practitioner of TCM. So the public is again exposed to these people who don't have training. They're exposed to people who make claims that they have



training when they don't. That is why we need to ensure, for the protection of our public, that the qualified, trained, excellent doctors we have get the recognition and regulation they need, so that the public can rest assured that the people they're getting treatment from are qualified and trained, so we can separate the charlatans who are doing hairdressing on the side from people who have 10 or 15 years of training in medicine. That's the core of it. When we do that, we will recognize the great talent and make sure that this medical practice that goes back 5,000 years is given the respect it deserves in Canada.

1550

Hundreds of thousands of Canadians and Ontarians take the full benefit of traditional Chinese medicine right now. They can vouch, and they have vouched over and over again at our meetings and our conferences, for how valuable it is. But we have to ensure that this medicine, which is deep-rooted in the great natural remedies of Chinese history and culture, is brought to our province so that we can give it a great partnership with western medicine and give it the respect it deserves. This bill does that. It recognizes it. It regulates it. It even establishes a college of traditional Chinese medicine. This college will be able to set standards, designate titles of practitioners of acupuncture and even to designate the highly respected doctor title on practitioners of traditional Chinese medicine. Those doctors whom the college deems to have the highest qualifications will also get the doctor title.

This is an amazingly positive, spectacular opportunity for Ontario because it recognizes, again, the incredible, untapped talent of so many well-trained individuals we have in all our communities. And it's not just the Chinese-speaking community. As I said, most of my friend Dr. Dong's clients are Italian. He speaks better Italian than I do or most of us do in this Legislature. So it's not just restricted to one community.

**Mr. Mario Sergio (York West):** I know, I know. He does.

**Hon. Mr. Colle:** My good friend Mario Sergio from York West agrees. Dr. Dong is a famous doctor in the Italian community.

This is a bill that goes beyond just the Chinese community. It goes into our appreciation of the fact that we cannot rely on static old, as I said, traps that we're in trying to treat illnesses.

My good friend from Ottawa Centre knows about his trials and tribulations of dealing with static western medicine and why we need to look laterally and internationally.

So we've got these best practices that have come from trial and error and research in some of the finest hospitals in China, from some of the finest professors. We have the luxury, the benefit, here in Ontario because these talented people have come to Ontario with these skills, want to practise here and want to improve the health of Ontarians.

We would be remiss, we would not be doing our job, if we didn't give the opportunity to these talented individuals to come and be a full part of our health care

system here in Ontario. That is why this bill is about more than just the regulation of TCM. It's about making a strong statement that in Ontario we don't have tunnel vision when it comes to providing health care for our citizens, because TCM is also very much reliant on changing people's lifestyles: proper diet; proper exercise. It's about prevention. It's about eating the right foods. It's about taking natural teas, natural herbal remedies, using massage instead of taking all these heavy-duty drugs that people take when they are stressed out. What's that drug everybody takes?

**Mr. Richard Patten (Ottawa Centre):** Valium.

**Hon. Mr. Colle:** Valium, Valium, Valium.

You know, good tuina massage will do 10 times the good of this Valium that we consume by the tonne here in Canada.

I urge everyone here to support this bold initiative that recognizes the talents of many wonderful people who are here in our communities in Ontario. This bill finally gives them the recognition they deserve. It gives them the college. It gives them a doctor title. I really congratulate the minister for taking this on and pushing forward with Bill 50. It's about time.

**Mr. Patten:** First I want to say how delighted I am to be here today to join my colleagues, two of whom are here right now, who were on a special committee that travelled part of Ontario and heard from many, many groups—and I'll identify those in a minute.

The minister was quite clear in looking at the challenges faced by the legislation, but also the commitment of the government in terms of proceeding. I want to mention Tony Wong, who, as we all know, chaired this particular group and worked through the negotiations of a lot of the legislation. Let me tell you, he worked extremely, extremely hard. My colleagues will know that this is true. Tony, if you're watching, congratulations and thank you very much on behalf of others.

I'm going to be a little bit more conservative than my colleagues in trying to identify some of the specific aspects of the bill and what introducing this legislation means. The first thing that has already been mentioned today is that we will increase the number of health care alternatives available to Ontarians and formalize the relationship between traditional Chinese medicine practitioners and patients, thereby increasing access to traditional Chinese medicine safely and reliably.

Chinese medicine is a proven alternative that's been with us, as has been said, for over 5,000 years. It is a holistic approach to health care, and thereby takes into account the overwhelming being of the whole person—not just whether you have a sore foot or whether you are suffering from one aspect. It takes into consideration the physical, the mental and the spiritual. Having worked in the YMCA, body, mind and spirit, of course, are crucial to the whole person. They are all integrated. They are not separated into mind and body—the Cartesian theory.

So we have a new opportunity here. In traditional Chinese medicine, diseases are thought to be caused by one of several organs being out of balance, which means



they are either working too hard or not hard enough. Such imbalances may be caused, in part, by climate, by weather, by poor diet, by circumstances faced by the individual. This approach tries to bring the organs back into balance using herbal therapies, acupuncture, diet, exercise, massage and other modalities.

While western medicine is widely accepted in effectively solving certain acute medical problems by employing techniques such as surgery, increasing numbers of people are more comfortable with complementary or alternative medicine methods of easing chronic problems and as preventative therapies. Traditional Chinese medicine is an established practice. It may sound new to some of us, but it is an established practice in many areas of the world. The growing acceptance and success of this practice demonstrates that Canada—as has China—is becoming a key player in bridging conventional western medicine and building a relationship with traditional eastern medicine, and will reap the subsequent benefits, which will not only be to help people have a better quality of health, but also direct social and economic benefits.

I have some statistics from Stats Canada that will show the increasing interest of individuals in looking at complementary therapies. My personal view is that having more therapies available to us overall is one of the ways that we can contain the ever-increasing costs that we face at the moment. Western medicine is very good at many things but, acknowledging that it is only one approach, it's not the answer to everything. There are other traditions that have grown up in other cultures that can offer us a great deal. This is what this particular proposal is.

**1600**

For example, according to Mary Wu, who's with us today—and many of her friends who have an interest, and practitioners and heads of organizations who have an interest in this particular bill—and who's the president of the Toronto School of Traditional Chinese Medicine and a certified Chinese medical doctor, by the way—I haven't got time today, but one of the beautiful stories that most westerners don't know is how western medicine and traditional Chinese medicine work together in China. The overlapping and the complementarity of that approach provide them with a far more effective system than I believe we have. This is providing an additional basis for us to move ahead.

One of the areas that Dr. Wu had talked about was some research she had done on stroke victims who received acupuncture that shortened their hospital stays from 161 days to 88 days, which is approximately half the time. The study also estimated that treatment with traditional Chinese medicine has the potential to reduce the costs of health care for stroke victims in particular by several million dollars alone. So there are a variety of reasons why we have to take this seriously.

Unlike other medical professions which are regulated by a governing body—my colleague Mr. Colle talked about this—such as the College of Physicians and Sur-

geons, the practice of traditional Chinese medicine and acupuncture is, as he said, currently unregulated. So we want to change that. We want to provide some standards for that. That's why setting up a particular college that will work on these kinds of standards, take the best practices, take the experience of what's around the world is part of this particular bill.

Let me talk about a few things that are included in this legislation. First of all, the profession would be regulated under the Regulated Health Professions Act, which will be a new profession-specific act, and a new regulatory college for TCM would be created. In both recommendations that we had made as a group, the minister followed through, and it's in the legislation.

Further standards of practice regulation for treatment modalities used by TCM practitioners should be developed by the college and will be approved by the government of Ontario. Given that TCM practitioners have a diverse range of education experience, different classes of practitioners should be developed by the college, based on the practitioner's level of education acquired, competency and experience.

Under the advice of people we have spoken to, the college will decide what education requirements are needed to define the title "doctor," as the minister talked about before, to members of the college. The classes of TCM practitioners include practitioners who have general education, have acquired competencies and experiences, and who focus on one or more treatment modalities. A doctor of TCM will have advanced TCM education at least equivalent to what a western medical doctor would have. So this is extremely advanced study, experience and knowledge.

The new college will consider, among other things, the experience of British Columbia, as the minister had talked about before, which is a little ahead of us in the operation of their college and their experience in BC. Surely we can learn from them. The new college will develop and implement an appropriate, fair and transparent grandparenting process to facilitate the registration of qualified individuals currently practising by virtue of having practised in the field—very knowledgeable, who have been accepted.

Many traditions have a way in which they can acknowledge that. Our aboriginal people here, for example, have elders where they acknowledge the wisdom of certain people and the contribution that healers make to their communities. There are other ways to verify things, but this particular area begins to acknowledge that some people may not have had the university experience but, indeed, have a spiritual sense, have a way of healing that for us to discard would not be productive in the least.

I could talk for another hour about this. I am very, very enthusiastic about this. I've had personal experience with traditional Chinese medicine—my family has, my wife has just recently—and it has all been extremely positive.

I will stop there and simply say that our consultations and experiences have led us to the conclusion that tradi-



tional Chinese medicine is not separate and distinct from traditional Western medicine; rather, it is complementary and compatible and in fact is a necessary adjunct. Traditional Chinese medicine has the potential to elevate the standard of health care in Ontario and thereby enhance the quality of life for all of us. It has already successfully treated hundreds of thousands of traditional Chinese medicine patients. It is for these reasons, and many others, that I am very happy to support this particular bill and support the government in moving ahead to regulate traditional Chinese medicine and acupuncture in Ontario.

**The Acting Chair:** Questions and comments?

**Ms. Shelley Martel (Nickel Belt):** I am pleased to respond to the comments that were made by various members of the government this afternoon. I want to begin by saying that I was part of a government that in 1991 regulated some 23 health care professionals, work that was done under the previous Liberal government and continued under us. They were regulated under the Regulated Health Professions Act. We were interested in regulating health care professionals at the time for two reasons.

Number one, regulation really recognizes both the competencies and the skills of those professionals who are being regulated and, frankly, recognizes the importance of their skills and the benefit those skills can bring to the health care system.

Secondly, regulation is important because it gives some assurance to the public that that individual, that health care provider, health care professional who is delivering that service, has a certain educational background—be it grandfathered or not—has a certain level of practical experience, historical experience, and is competent and qualified to provide that service.

So I came from a government that was enthusiastic about regulation and agree in principle with the regulation that is being undertaken here. But I do want to say that I have some concerns about this bill. In the time that I have—and I hope I'm going to be able to start this afternoon—there are some specific concerns that I want to raise with respect to what I see in the legislation and some things that I think are missing from the legislation.

Having said that, I think it is very important that the government signal—and perhaps the minister did this while I was outside—that there will be public hearings on this bill. We saw very clearly in the morning, in two different press conferences, that we have a divergence of views, we have different concerns that have been expressed, and perhaps different approaches to get to the same end, which I think for all of us is fair and balanced regulation of traditional Chinese medicine practitioners and those who practise acupuncture. I hope the government or the government members will indicate today that there will be public hearings.

**Mr. John O'Toole (Durham):** In my riding of Durham, I have had contact with those who are advocating for the issue of broader access to the Regulated Health Professions Act by a number of practitioners.

Certainly the Chinese medicine area is a growing, emerging and respected option. I think the real issue here is that people do want choices in health care, as opposed to purely more medication for every single problem.

I would say that I am anxious to hear our critic, Elizabeth Witmer, speak on this topic because, having been the Minister of Health, she knows the competing issues of persons and the regulations that affect the scope of practice for the individuals, whether it's the nurse practitioner issue or the optometrist/ophthalmologist/optician issue in just the care of eyes. So there are a lot of choices that people need to make. Who can perform those tasks? Who is legitimized by the college to perform what tasks, referred to by the previous speakers as the scope of practice, which is really set by the colleges?

**1610**

It is an important first step to introduce the real issue of patient choice and allowing them to be availed of the type of treatment modality that they want. That empowerment really reflects, I think, the basis and the genesis of much of what the Conservative Party would stand for, which is about independence and choice.

I think the fundamental issue during this—I hope there will certainly be more robust hearings in terms of making sure that we get it right; I would probably be supportive of the issue of choice—is to get it right. I'd like to have more hearings on it, because the fundamental question here is—the current government, with all due respect, has delisted services in health care, in optometry, physiotherapy and chiropractic, which really fall into this scope—if there's no money to go with this, except setting up a college and that it's self-regulatory, what fees are they going to charge these professionals and who has access? So it's a good, wholesome debate, and I'll certainly be listening.

**Ms. Deborah Matthews (London North Centre):** I am delighted to rise today to speak in support of this bill. I'd like to actually recognize in the gallery a constituent of mine, a highly esteemed Londoner, Professor Cedric Cheung. Professor Cheung is a champion of this work. He tells me that he has been working on it for over 23 years to get to this day, so congratulations. Professor Cheung is the president of the Chinese Medicine and Acupuncture Association of Canada and he is a vice-president of the World Federation of Acupuncture-Moxibustion Societies. We're very proud to call you a Londoner, Professor Cheung, and congratulations today.

What I want to talk about in the little bit of time I have is the notion that this actually should serve as an inspiration to people who do advocate for change. I think this should be a lesson to all of those who have an idea about how to make the province better. Twenty-three years of work probably would tax the patience of most, but I applaud the waiting, the working, the advocating and the educating that you have done so patiently and so thoughtfully over so many years. You have built an important coalition of people, and I just think that so many people give up and think that they can't achieve change. What we're talking about today is a group of



people who have proven that change can happen, and I congratulate you on that.

**Mr. Ted Arnott (Waterloo–Wellington):** Very briefly, I want to express my interest in this issue today as well. I'm looking forward to the speech that's going to be given shortly by the member for Kitchener–Waterloo, the former Minister of Health, offering the House the perspective of the opposition. But I also want to express words of welcome to those who are in the gallery today to witness this debate and to hear the views of the members of the Legislature on this very important issue.

**The Acting Speaker:** The Minister of Citizenship and Immigration has two minutes in which to respond.

**Hon. Mr. Colle:** I want to thank the members of the official opposition and the New Democratic Party for their comments and the member from London for her comments.

I just want to say that this bill has, as my colleague from London said, been talked about for over 23 years. If you talk to Dr. Cheung and you talk to all the good researchers and doctors who have been advocating this, they say that this bill comes very close to doing exactly what they've been advocating for years. Like in every initiative, there will always be people who may not want to proceed, and that's their right. But with the overwhelming number of doctors and associations and patients that I have talked to in my last six years involved with this very important field, there has been an overwhelming cry to say, "We need recognition, we need regulation, we need a college and we need a doctor's title." This bill does that. Again, it is a very strong statement of the Minister of Health, who has said that recognizing TCM will mean that we will have this wonderful complementary partnership with western medicine. It will be of great benefit to Ontarians, not only for improved health but, as I've said, for their own safety because, at this present time, no government has ever regulated or protected the public from the unscrupulous practitioners out there who know nothing about what they do. We have to do it for public safety; we have to do it to enhance our health care system.

We've got a wonderful roster of talented people who want to proceed, who want to practise and who want to share their wisdom with Ontarians. This bill gives them that opportunity after being denied this opportunity for many, many years.

**The Acting Speaker:** Further debate?

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** Let me extend a very warm welcome to those people who are in the gallery today. Many of them, spearheaded by Dr. Cheung, have worked long and hard in order to ensure regulation and also to work towards the goal of ensuring patient safety in the province of Ontario.

We also recognize that there are many in this province who want choice in medicine, and certainly this does offer a choice to the citizens of this province. A bill like this, where we have regulation of the profession, would allow us to ensure that when services are provided, the safety of patients would be protected.

Having said that, we know that people have worked very hard.

I wanted to, by way of introduction, refer to the bill: Bill 50, An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts, and again, indicate that this bill was introduced in this House on December 7, 2005. That's what I'm going to speak about today.

I want to begin by going into the past because I do know that many people over many years have worked long and hard in order to get to where we are today. They have been looking for the regulation of traditional Chinese medicine and acupuncture in the province of Ontario. Certainly, we've heard the government make referrals to the fact that the process has been a long one. I went back and took a look because I know that when I was Minister of Health and Long-Term Care it was an issue that I dealt with.

We first had referrals made to the HPRAC—the Health Professions Regulatory Advisory Council—in 1994 and 1995, so I think it's obvious that it is an issue that has been more than 10 years in the making as far as HPRAC making recommendations.

In February 1999, additional advice was presented to myself on the regulation of acupuncture, and it was considered in conjunction with the review of traditional Chinese medicine. Moving forward from there, I know that my successor, Tony Clement, certainly did facilitate, and our government did facilitate, the movement that was started towards the regulation of the practice of traditional Chinese medicine. It was in 2001 that the Health Professions Regulatory Advisory Council provided advice to the then Minister of Health and Long-Term Care, Tony Clement.

HPRAC recommended to the minister that the profession of traditional Chinese medicine be regulated with a distinctive scope of practice and four controlled acts authorized to the profession, including communicating a TCM diagnosis, performing a procedure on tissue below the epidermis for the purposes of acupuncture, prescribing and dispensing natural health products, prescribing, dispensing and compounding Chinese herbal remedies.

**1620**

We were somewhat surprised that when the bill was introduced last December, it actually didn't deal with any of those recommendations that had been made by HPRAC, that traditional Chinese medicine should be regulated with a distinctive scope of practice, or that any attempt was made to authorize controlled acts to the profession. I guess we've now discovered that there are differing views and opinions on the legislation as it is currently drafted. That's obviously what the Legislature is for. That's why we have second reading of bills, that's why we send bills out to committee, in order to address concerns that any groups or individuals might have in order that the bill, at the end of the day, addresses those concerns and that this bill obviously can be the best it possibly can be for the people of Ontario.



So this bill, rather than dealing with a distinct scope of practice, actually has a scope of practice in it that is very, very broad. It reads as follows: "The practice of traditional Chinese medicine is the assessment of body system disorders through traditional Chinese medicine techniques and treatment using traditional Chinese medicine therapies to promote, maintain or restore health." That broad scope of practice in Bill 50, I will tell you, does stand in very stark contrast to British Columbia, where Chinese medicine, TCM and acupuncture are also regulated. However, their scope of practice is much more specific than the overly broad one that we see in Bill 50. I just want to speak briefly about the BC experience, because BC is the only province to regulate both acupuncture and TCM.

I was interested to hear the member of Mississauga East speak about what they had learned from the BC experience. I'm not sure what was learned, but I can tell you it is very, very different from certainly the current bill that has been introduced in this province. For example, the British Columbia bill provides that, "An acupuncturist may practise acupuncture, including

"(a) the use of traditional Chinese medicine diagnostic techniques, and

"(b) the recommendation of dietary guidelines or therapeutic exercise."

It goes on to say that both acupuncture and traditional Chinese medicine are defined in the regulation. The regulation also sets out the reserved acts that members of the college may perform:

"(a) ... a traditional Chinese medicine practitioner, acupuncturist or herbalist may make a traditional Chinese medicine diagnosis identifying a disease, disorder or condition as the cause of signs or symptoms,

"(b) ... a traditional Chinese medicine practitioner or a herbalist may prescribe those Chinese herbal formulae listed in a schedule to the bylaws of the college, and

"(c) ... a traditional Chinese medicine practitioner or an acupuncturist may insert acupuncture needles under the skin for the purposes of practising acupuncture."

The regulation also sets out limits on practice. Physicians in BC are expressly authorized to also do acupuncture.

Of course, I did take a look at what's happening in the United States. I won't go into that. I looked at Australia.

We have a bill before us which the current government, I think, believes is the best that can be produced at the present time. They have certainly worked with individuals and groups from across the province, people who have been listening and wanting to have their voices heard for a long time, but I think we've also learned since the introduction of the bill that there are many other people who have other concerns which they feel the government has not heard or listened to.

In fact, there are many people who believe there was inadequate consultation on the bill and that the length of time that they had to prepare their presentations was inadequate. So I think at this point in time, in order to ensure in the democracy in which we live that all people

have an opportunity to express their concerns, to express their support for the bill, which I also know is very strong, I would strongly recommend, as I've already said now on several occasions, that the government would commit to send this bill to committee and that we could have public hearings. I think it's very important that we get this bill right and that, this fall, we have public hearings. Certainly that would mean that this bill can still be passed, but obviously there are those who do say that the bill does require substantive amendments.

Some of the people who have come forward were at a press conference this morning. We know what the government's position is on the bill, but this morning there was a group of people here, and we had the Canadian Society of Chinese Medicine and Acupuncture, whose president is Dr. Mak; the Canadian Association of Acupuncture and Traditional Chinese Medicine, their president Dr. James Yuan; the Committee for Certified Acupuncturists of Ontario, Chairman Dr. Han; the Ontario Acupuncture Association, President Dr. Yan; the Ontario Association of Acupuncture and Traditional Chinese Medicine, President Marylou Lombardi; the Ontario Guild of Traditional Chinese Medicine, President Dr. Leung; the Ontario Examination Committee, President Dr. Li. So they have expressed concerns, and we need to, as an opposition, ensure that the viewpoints of all of the people in the province of Ontario are put on the record.

In their press release, their presentation this morning, they talk about their fear that this is going to compromise health care standards and endanger the public. They believe Bill 50 will promote multiple standards of practice for acupuncture, which will put public safety at risk and may serve to marginalize practitioners who have the most education and training. They believe that this bill does require some amendments, and if there are no amendments, if the bill proceeds as unchanged, they express their concern that it will have a serious impact on the public and the profession.

I think what's important about us having the debate is the fact that we're finally here, that we have a bill. We are moving towards regulation, which everybody obviously is anxious to see happen. So it has brought people together, and people are uniting and expressing their support. They're expressing some of their concerns. Finally, we are at a point where this actually may happen.

They did have a summit this summer. Again, they speak to the fact that acupuncture is regulated and recognized as a health profession the world over, and they express their concern that under Bill 50, acupuncture will be relegated to a position of a mere modality. They say it is the goal of the traditional Chinese medicine and acupuncture community to protect and preserve the integrity of acupuncture, which is a unique system of medicine in its own right and an integral part of TCM. They say acupuncture is a health care profession which cannot be separated from or practised without the fundamental basis of TCM. They believe that acupuncture deserves the same professional status in the province of Ontario as



it enjoys the world over. They are concerned that Bill 50 was intended to ensure a single minimum standard, just as Ontario law demands a minimum standard for medical doctors, chiropractors and other health care professionals. Again, they're looking in order to ensure that this happens.

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Dr. James Yuan, the president of the Canadian Association of Acupuncture and Traditional Chinese Medicine, states that acupuncture needs to be regulated in order to protect the public from harm, but he does not agree that this multiple standard approach will effectively achieve this goal or ensure quality care and efficacy in terms of treatment with acupuncture. Therefore, he believes it is essential that the government consult with the stakeholders. As I have said, I would ask the government to hold public hearings before Bill 50 is passed so we can get all of this out on the table.

The proposed legislation is unique to the world. This is according to Dr. Li, the chairman of the Ontario Acupuncture Examination Committee. He believes it will perpetuate a system that allows individuals with little training to practise acupuncture and insists that acupuncture is an invasive procedure which can be harmful if performed by underqualified individuals with minimal education and training. Certainly, the concern of those who came forward today is the fact that Bill 50 will permit every one of Ontario's 23 regulated health professions, from massage therapists to pharmacists, plus naturopaths plus those who work in addiction facilities, to set their own standards of acupuncture. They indicate that some of these people who would practise may only be involved in weekend courses. They say that this would be comparable to all of the health professions being allowed to perform a little bit of surgery at the discretion of their own professional colleges. They find this unacceptable and contrary to the longstanding tradition of self-regulation in health professionals where a single, minimum standard is the main objective. They've expressed their concern about patient safety if there are people who can practise acupuncture and simply haven't had the training required.

They go on to say that the proposed excessive mainstreaming of acupuncture into the health care system under Bill 50 without a minimum standard will degrade the practice of acupuncture and only serve to confuse the public. They believe that the people of Ontario deserve access to the most highly trained professionals and they believe that acupuncture, when performed by individuals with adequate education and training, is safe and effective. I think we've all heard of people who practise acupuncture who are obviously not properly trained. That is possible, to date, without regulation.

They hope and would request that the government ensure that there is adequate consultation, that we would have public hearings and that the government would be amenable to making certainly some very significant revisions to the bill. I think it's important that this group of people—I understand they represent something like

1,800 members—has the opportunity to get its views on the record.

When they had the summit of Ontario traditional Chinese medicine and acupuncture associations in September, they were also requesting "that the following controlled acts be authorized to doctors of TCM, TCM practitioners, acupuncturists"; for example, "communicating a diagnosis" relating to "procedure below the dermis ... moving the joints of the spine ... administering a substance ... putting an instrument, hand or finger into the openings of the body ... forms of energy"—again, those are some of the things they're asking—that "the TCM college ... be authorized to use 'grandfather clause' in the beginning of the registration" and that the TCM college be authorized to use the Chinese language in the licensing exam.

Obviously, there are people who are making some recommendations for change. I think it's extremely important that we allow the opportunity for discussion and debate.

I've also heard from the Ontario Physiotherapy Association. They say that acupuncture should be treated as a controlled act and included in the scope of physiotherapy, as well as other providers, such as physicians and chiropractors. They do not support limiting the practice of acupuncture to TCM practitioners, physicians, nurses and dentists.

We've heard from Dr. Elorriaga, director of the McMaster contemporary medical acupuncture program. He says, "Regulation of TCM or any other form of non-conventional medicine should be regulated separately and not based in providing a monopoly on any one single technique, more so when there is no evidence that a separate knowledge from biomedicine is required to use the technique." Again, from the Ontario Physiotherapy Association: "The recommendations of the Liberal task force should not be allowed to circumvent the process of HPRAC in making changes to the Regulated Health Professions Act." I think I did mention earlier on in my remarks that this piece of legislation is quite different from the regulations that were made by HPRAC. They go on to say, and these are their words: "The task force was an entirely Liberal initiative, without input or consultation from other parties." That's the physiotherapy association.

Dr. William Wine, a licensed acupuncturist and the Canadian regional director of the American Naturopathic Medical Association and American Naturopathic Medical Certification and Accreditation Board, says, "The bill does not include a clear provision on the issue of grandfathering of the current cohort of practitioners who have been practising for more than five years, have had more than 2,000 hours of practice with an adequate safety record and have been regulated by a current regulatory body."

Then I have this from the Committee for Certified Acupuncturists of Ontario and the Ontario Acupuncture Association. They strongly "oppose Bill 50 because it allows all 23 regulated health professions to have access



to practise acupuncture under the term of 'adjunct therapy.' Bill 50 permits the practice of acupuncture by persons other than members of the new TCM college if they are members of a college for a health profession who performs acupuncture in accordance with the standards of the practice of the profession—the profession being their own—"and within the scope of practice of the profession"—again referring to their own—"or if they are performing acupuncture as part of an addiction treatment program within a health facility."

Then they go on to say that at the same time, TCM and acupuncture practitioners will not be permitted to have any involvement in other professions' practices. As a result, the OAA and the CCAO view the bill as discriminatory and claim that Bill 50 could pose a threat to public safety if others are allowed to practise acupuncture without objective competency measures.

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We have the Acupuncture Council of Ontario countering this argument and supporting the right of other regulated health care professionals to practise acupuncture, in particular chiropractors and physiotherapists, who have been practising this treatment for over 30 years. They insist that "acupuncture should be a controlled act that is shared between regulated health professionals who are adequately trained and whose governing bodies are willing to regulate their members in this practice. No one organization should have a monopoly on this valuable therapy." So I think you can see that there are wide, divergent views and opinions on this legislation.

We have the Canadian Society of Chinese Medicine and Acupuncture, which I think represents about 1,600 members, disapproving of the emphasis on TCM, requesting to rename Bill 50 as the TCM and acupuncture act, to create a college of TCM and acupuncture of Ontario, and to include title protection for a doctor of acupuncture. These people wrote to us and said that they had not been notified in advance of the tabling of Bill 50. We've heard the Canadian Society of Chinese Medicine and Acupuncture say that the absence of a grandfathering clause, which could prevent qualified practitioners who have undergone lengthy training and have decades of work experience as acupuncturists, is of concern to them. Then we've heard that the Canadian Society of Chinese Medicine and Acupuncture is apprehensive about the process by which members of the transitional council would be appointed, requesting a commitment to a transparent selection process based on merit and representing the diversity of the acupuncture and TCM professionals.

We've also heard from others who object to the fact that under Bill 50, acupuncture will not be recognized as a health profession in Ontario, as it is in Alberta and British Columbia and 48 states in the United States. It's merely going to be recognized here as a modality or technique. They believe that as a result, practitioners in Ontario will not have equal status with those people who practise acupuncture in other parts of the world.

I would also go on to say that, besides what I've tried to put on the table today in order that we can have a good

debate and a good discussion on this bill, I have received probably more than 120 letters from people in the province, and obviously there are those who support the legislation and those who have some very serious concerns. I don't think I'm going to put more views on the record. I would say that the majority of the letters, by the way, would come from people who have very serious concerns. So, obviously those people who support it are very happy with the bill and don't see the need to communicate further.

I would just conclude by saying that we support regulation, that we recognize the importance of regulation in this area. Our government did work with Dr. Cheung and other members. When Mr. Clement was our health minister, we were moving through the process, and we were in a position where we were going to be responding to the HPRAC recommendations. This bill does not reflect those HPRAC recommendations; there's certainly a difference. It does not contain a distinctive scope of practice and it also fails to refer to any controlled acts authorized by the profession.

I thank again those people who have devoted so much energy and so much time to helping the government bring this bill forward. We look forward to working with all those who have differing opinions, differing views. We want to work with the government in order to ensure that people in this province have access to traditional Chinese medicine, and we certainly are prepared to sit as long as is necessary to hear those views and to make the amendments that obviously are going to ensure the safety of patients in this province and also that people do have access in the future to traditional Chinese medicine.

**The Acting Speaker:** Questions and comments?

**Ms. Martel:** I'll be brief. I will be referencing, actually, the member from Kitchener-Waterloo in my remarks because she was one who made a referral to HPRAC with respect to acupuncture. I'll read that into the record a little bit later on. She did identify a number of the concerns that I am going to be raising this afternoon, concerns around grandfathering and ensuring that that is undertaken through the course of the regulation by the college, concerns about acupuncture as a modality and the different points of view that have been expressed about that. I know that much of that debate was heard by the MPP consultation group when they were hearing from people.

Frankly, I would like to know a bit more about the BC model. I've taken a good look at it. I've heard members from the government side say they took a look at it and learned from it. I'm not sure how what was learned was incorporated into this particular bill, because I see some really clear distinctions and differences between Bill 50 and what has gone into effect in British Columbia.

I'll have a chance to speak here very shortly, and I will be expressing on the record a number of the concerns that I have heard. But I do want to say again that I think all members who are speaking very clearly are of the view that regulation is important, that we support the use of alternative therapies in Ontario, particularly acupuncture



and traditional Chinese medicine, that we believe fully that there will be a benefit for Ontarians to access those services. The differences in opinion that have been expressed, both before the MPP working group and, frankly, since the bill has been introduced, are differences in the approach that we use to get there. It is certainly my hope that we will have some public hearings, we will canvass the views and we will be in a position to have a bill that is supported by members of the TCM community because after all, part of what we are trying to do in terms of this regulation is to make sure that their professional skills, their experiences, their competencies are recognized in the province.

**Mr. Shafiq Qaadri (Etobicoke North):** It's a privilege for me to speak on this particular bill on traditional Chinese medicine. I'd like to offer some insights in a number of capacities: as a family physician, as an MD and as someone who has actually travelled to China to see some of the various practitioners really helping the general population.

We had an opportunity in 1996 to travel to Shanghai, to Beijing and to Xian, as well as Hong Kong. It was, by the way, a medical tour of western physicians. We were quite amazed at the range, the depth and the capacity of the local practitioners.

So from very early on, on a personal level, I have seen the value of complementary and alternative care modalities. I have to confess that as an MD physician, given the range of problems that we have to deal with, frankly speaking, we are not meeting the full needs of Ontarians and Canadians. There is a whole range of illnesses, a whole range of presentations that physicians who have been traditionally trained, for example, in medical schools in Ontario are either unaware of or ill-equipped to actually deal with. For example, there are a number of conditions which, from a medical point of view, from an MD point of view, either warrant very invasive procedures or surgical procedures or drugs, pharmaceutical agents which have a number of side effects, whereas the traditional Chinese approach, specifically with acupuncture, deals, as was mentioned earlier in this House, with a much more holistic and comprehensive approach. So I have to conclude, as a parliamentarian, as a physician and as the parliamentary assistant to the Minister of Health Promotion, that we wholeheartedly support this bill.

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**Mr. O'Toole:** First, I want to compliment the member from Kitchener-Waterloo for her diligence and the openness and balance of her comments, not just here today, but with respect to the work and commitment she dealt with under the whole umbrella of primary care reform. The role of nurses in this province is extremely important, yet she often gets very little credit for working with the college of nurses and the nurses' strategy, which I think is important.

I look more recently here, and it comes down to this: the fundamental question of trust. This government would say anything. In fact, to warn those in the audience

listening tonight, I'm concerned about the timing of this particular bill. Watch it very carefully. If it goes to hearings, I would say to you now that they'll put it out there but this will never pass.

*Interjections.*

**Mr. O'Toole:** I'm not part of the House leaders. They'll have the discussion. It will sit on the order paper and you'll see what happens, because then it will proclaim when the regulations come into effect. I'll tell you right now, there's one year left and they won't have it done. But they're going to put it out there and jar your hopes. When I look at this, it potentially has that dynamic to it, so there's a lot of work ahead.

I can assure you, the hearings that are required to build legitimacy around this particular bill are absolutely critical.

It is a very small bill. In fact, if you look at it, it's only about four or five pages. It more or less sets up a structure by which to govern called the college and reports under the Regulated Health Professions Act. There's a transition set of rules as well for the college and the registrar of that college, who will be appointed by the minister.

In listening to the comments—the balanced and honest comments—made by our former minister and a person I have the greatest respect for, there's a lot of work to be done. We're all for patient choice. In fact, I would be supportive, in the broadest sense at the beginning, that we've got to have hearings and we've got to get this right.

**Ms. Cheri DiNovo (Parkdale-High Park):** I don't think anybody here argues with the need for regulation. I don't think anybody here argues with the efficacy of traditional Chinese medicine or acupuncture. Our concerns are with the drafting of this bill. I must admit, as a new member, I'm a little confused. This morning at 10:30 we had one group saying one thing, and they were asking for drastic amendments to the bill, and another group, at noon, saying something else. In the group at 10:30 this morning, included among which were the Canadian Society of Traditional Chinese Medicine and Acupuncture, at 1,600 members, the Ontario Guild of Traditional Chinese Medicine, the Canadian Association of Acupuncture and Traditional Chinese Medicine, the Ontario Acupuncture Association, the Ontario Association of Acupuncture and Traditional Chinese Medicine, the Committee for Certified Acupuncturists of Ontario and the Ontario Examination Committee, a total of about 3,000 members or so feel they haven't been heard. Their voices have not been heard by the drafters of this bill. So I would just ask our Minister of Health why he isn't listening to all of his constituents—just some of his constituents.

I would mirror what my colleagues are saying and ask for public hearings and that this go to committee.

**The Acting Speaker:** The member for Kitchener-Waterloo has two minutes in which to respond.

**Mrs. Witmer:** I'd like to thank the member for Durham, for member for Etobicoke North, and also the



newest member, whom I'd like to congratulate, the member for Parkdale—High Park. We're really pleased to have you here.

There was another press conference this morning that I know Dr. Cheung participated in. In all fairness, I need to acknowledge the fact that this group has actually expressed some need for changes to the bill. I would like to put them on the record. This is certainly an indication that there are many improvements that can be made to the bill. Some of the points that were made this morning were for improvements or clarification. This is what can be addressed in the hearings, and that's why it's so important to have hearings. They would like to be allowed to diagnose, not just provide assessment, as currently in the bill. They believe that allowing other registered professions to practise acupuncture does require some further discussion. They believe that the doctor title needs to be clarified. They're looking at an interim phase for grandfathering, and they want to see a process for this. They believe strongly that acupuncture and TCM should be regulated together. Those are a few of the things that they talked about this morning as well.

So I think it's obvious that this bill is a very good start. People have been involved, but we now have an opportunity to make sure that the bill that is eventually passed in this Legislature, which I believe will be, does reflect, certainly, the viewpoints and the concerns of all of the people in the province of Ontario. At this point in time, it appears that there's much further need for more discussion and debate.

**The Acting Speaker:** Further debate? The member for Nickel Belt.

*Applause.*

**Ms. Martel:** Thank you to my friends in the back row. I want to indicate that I am pleased to participate in the debate on behalf of the New Democratic Party, and I want to begin by recognizing a number of people who are in the gallery. Thank you for your participation at the 12 o'clock press conference, which I saw, and thank you for being here this afternoon.

I do want to say at the outset that I suspect, in the course of my remarks, which I suspect will go for the next hour, that I'm going to say some things that you don't agree with. That's okay, because the bottom line for me is that I am supportive of regulation. I'm supportive of ensuring that TCM and acupuncture are an essential part of Ontario's health care system, but I disagree with some of the mechanisms that the government is using through the bill to get us there. It is my hope that during the course of the public hearings, after we've canvassed the views, the government will be prepared to accept changes, accept some modifications and move forward with a bill that everybody in the traditional Chinese medicine community, and those who practise acupuncture as well, can be fully supportive of and fully behind.

So let me begin by saying, as I did earlier, that I was part of a government that regulated a substantial number of health care providers—23, in fact—through 21

different acts, through the Regulated Health Professions Act in 1991. I want to acknowledge that a good deal of work on that particular act had been done by the previous Liberal government. A fair bit had been done by the former minister, Elinor Caplan, before the election of 1990 and before the change of government. So there was a change in government, but that work on regulation of those health care professionals was not lost, and the Regulated Health Professions Act was passed unanimously by this Legislature. I think that's important to note. Having been part of that process, although I was not the Minister of Health at the time and I give credit to the minister who was responsible, but having been part of a cabinet that dealt with that and determined to move forward, I can say that I have some knowledge of, and I think I have some experience with, the regulation of health care professionals. Indeed it is a process New Democrats have been supportive of, and we are supportive in principle of the regulation that is being undertaken with Bill 50 today.

Secondly, we recognize that one of the values of regulation is the protection of the public with respect to the delivery of health care services. The public, from my perspective, needs to be assured that the services they are receiving are being delivered by qualified and competent health care providers—knowledgeable professionals. They need to know that those professionals are licensed to practise and that their right to practise as professionals has come after successfully completing, for example, educational requirements, clinical practices, examinations to test that knowledge, etc. I recognize that in this piece of legislation there is a provision for grandfathering, and that is very important. I want to make sure that that provision, as it comes through regulation, is not watered down in any way, shape or form. So that is an important part of this bill. It may not have been a feature of some of the other regulated health professionals that were dealt with, but it certainly is going to be an important piece to this legislation and the regulations that follow.

The public also needs to know that the health care that is being delivered is part of a regulated health professional's scope of practice. They don't need to know at what point they're going to be referred to another practitioner. I don't think that's very clear with this legislation, and I heard some expressions of concern around that this morning. They need to know what the matters are going to be at which point they are moved to another professional, away from their original provider and on to someone else who can do something more for them. I think the public also needs to know that if they have concerns about the quality of care they received or the lack of care they have received, then their complaint can be made to a college, their complaint is going to be investigated and it's going to be dealt with by an oversight board or a college overseeing that particular profession.

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I think the public also needs to know that there is ongoing support in that college for professional develop-



ment, that there are quality assurance programs that are in place to monitor the delivery of care and the professional conduct, and that there is going to be consumer involvement in that college as well. The consumer involvement, of course, is important to represent the public's point of view with respect to the profession. Regulation, from our perspective, gives those to the public, and that will happen through the establishment of this college, which I am supportive of. It also, most importantly, limits the ability of just anybody to hang out their shingle and offer any kind of service that may be extremely detrimental to the public.

Secondly, regulation, from my perspective, also recognizes the value, competency and skills of the providers in our health care system and it is a support for their professional work, in my opinion. It acknowledges the important role that particular providers play in delivering health care. So again, it recognizes the educational experience, the clinical experience, the practical experience, the historical experience that has been obtained to deliver specific care. Regulation ensures that the public acknowledges and recognizes that competency too.

Generally speaking, those are the principles that we support with respect to regulation of health care professionals, and we would want those principles to be at the heart of any regulation of professional health care, including at the heart of Bill 50.

With respect to the regulation surrounding Bill 50, I think it's important to note that Ontarians have had a growing interest in alternative therapies to health care, and the use of these approaches certainly does include traditional Chinese medicine and acupuncture. There are several countries that have regulated providers of traditional Chinese medicine and formally recognized this model of care. In Canada, British Columbia has moved in this direction as well. So the inclusion of traditional Chinese medicine and acupuncture into Ontario's health care system, from our perspective, would be very beneficial to Ontarians. It would be very beneficial to the health and well-being of our citizens. We want to ensure that that regulation is fair, is safe, is effective and is professional.

There is a history that is attached to where we are today, and I wanted to go through a little bit of that history. The first referral to HPRAC, the Health Professions Regulatory Advisory Council, on the matter of traditional Chinese medicine and acupuncture actually came via a letter that was written by Dr. Cheung to my former colleague Minister Grier in 1994, when he asked for the support of the government to regulate both traditional Chinese medicine and acupuncture. In 1995, there was a second letter that came to my colleague Ruth Grier, this time with respect to regulation of acupuncture. There are some others in the gallery who were part of that letter. What Ruth did was to write Christie Jefferson, who was the chair of HPRAC at the time, two letters. With respect, I'm only going to read one, and it was the one of March 5, 1995, that said the following. She was asking the college for advice about how to proceed in this

regard. She said, "I look forward to receiving the advisory council's advice on the following three aspects of the referral: (1) whether this new referral should be considered independently or in concert with the referral earlier on traditional Chinese medicine and acupuncture; (2) whether the profession of acupuncture should be regulated; and (3) whether acupuncture should be a controlled act. If so, which health profession should be authorized to perform it and what are the conditions under which it should be performed?"

That recommendation came back from HPRAC in 1996. We were no longer the government at that time. One of the conclusions that was reached by HPRAC at that time was that acupuncture should be incorporated into the Regulated Health Professions Act as a new and controlled act.

After that, for three years there wasn't anything. On February 19, 1999, another health minister—this is my reference to Ms. Witmer—wrote to the new chair of a new HPRAC, asking for additional advice with respect to the regulation of acupuncture that, in her words, would more adequately reflect the health care environment that was in place at that time in 1999. She requested that this be done in conjunction with a review of traditional Chinese medicine which had already at that time been scheduled into the work plan of HPRAC. She asked for the following advice on February 19, 1999:

"Does acupuncture need to be regulated under the Regulated Health Professions Act, 1991 in order to protect the public, and are there other regulatory or non-regulatory alternatives to consider?"

"If your advice is to regulate acupuncture under the RHPA, please advise me on the following options: acupuncture as a distinct profession regulated by a separate college; acupuncture as a profession regulated by a joint acupuncture and traditional Chinese medicine college; acupuncture as a treatment modality involving a controlled act to be authorized to specific regulated health professions; or, any combination of these options.

"If your advice is to regulate acupuncture as a profession, please provide advice on whether the scope of practice of acupuncture and its various applications lends itself to the creation of classes of acupuncturists with different educational and competency requirements associated with them. (Please note that I'm asking HPRAC about the general feasibility and advisability of different classes of acupuncturists and not to identify specific classes and their educational and competency requirements.)"

In April 2001, a little over two years later, HPRAC submitted its support to the minister. In this respect, the new council disagreed with the earlier council's recommendation that acupuncture be regulated as a new controlled act for traditional Chinese-medicine-based acupuncture only and instead recommended that acupuncture be part of the existing controlled act of performing a procedure on tissue below the dermis, and HPRAC recommended a continued exemption for providers who were performing acupuncture using ear



acupuncture points for the purpose of addiction treatment in health facilities.

A list of regulated professions that should maintain or be given the authority to practice acupuncture was provided by HPRAC. The council further recommended that, in the case of traditional Chinese medicine and acupuncture, the profession be regulated under the Regulated Health Professions Act and that a college of Chinese medicine and acupuncture practitioners of Ontario be created to govern the profession.

Two years later, Mr. Colle, who was here, introduced Bill 93, but that didn't get past first reading. Then, in 2005, the government appointed an MPP consultation group made up of government members, and in July that group released its report, which recommended, among other things, a new regulatory college for traditional Chinese medicine; secondly, that the performance of acupuncture be limited to qualified regulated practitioners; and thirdly, that a class of traditional Chinese medicine practitioners in the future regulatory college who use Chinese herbal medicines within a TCM context be designated as "herbalist." The government introduced Bill 50 for first reading in December 2005, and we are here today dealing with second reading of this particular bill.

From my perspective, it's very clear that the matter of how to incorporate both traditional Chinese medicine and acupuncture into Ontario's health care system has been the subject of debate and consultation for some long time now. It is also very clear that this issue is very important to the traditional Chinese medicine community, and they want the regulation done right.

However, there have been concerns expressed to me by organizations that are part of that community, and I want to focus on some of those today. Again, I recognize that there is not unanimity in the community with respect to how to proceed. It is my hope, however, that after public hearings and a broad canvassing of views, we are going to be a position to have unanimity and agreement among all of the parties, that what is put into place really does recognize the needs and meet the expectations that people have.

I wanted to say that as I focus on the particular concerns with the bill that have been expressed to me. I'm assuming that other MPPs have been made aware of these concerns too because there has been great deal of information and letters that have been generated.

I have concerns in writing now from the Canadian Society of Chinese Medicine and Acupuncture, the Committee for Certified Acupuncturists of Ontario, the Ontario Acupuncture Association, the Ontario Association of Acupuncture and Traditional Chinese Medicine, the Canadian Association of Acupuncture and Traditional Chinese Medicine, the Ontario Examination Committee. On March 3, 2006, I met with representatives from the Ontario Association of Acupuncture and Traditional Chinese Medicine, the Ontario Acupuncture Association and the Committee for Certified Acupuncturists of Ontario. During that time I also heard from

Professor Cheung, who contacted me to express his support for the bill and why he was supportive. So I want to put that on the public record.

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On March 28, 2006, a number of representatives of the organizations mentioned above held a press conference that I sponsored here at Queen's Park so that they could outline their concerns with the bill, and on April 19 there was also a demonstration or a lobby that was held at Queen's Park by individuals and groups who have concerns about Bill 50. Those concerns have been shared with members. Those concerns, I know, have been shared with the minister in at least five or six different letters, although the minister has not responded to those concerns and those letters to date.

I think, to best summarize the concerns that I have heard, I'm going to refer to an article that was written in *Vitality Magazine*, which is described as, "Toronto's Monthly Wellness Journal." It appeared in May 2006 and it was written by Marylou Lombardi, who is president of the Ontario Association of Acupuncture and Traditional Chinese Medicine. I'm going to use a number of her concerns during the course of this debate. I think her concerns express the concerns of those who have concerns about the bill and remain very opposed, at this point, to the direction that Bill 50 is moving in.

Again, this is not to say that they're not supporters. They are here and we have heard from them. I'm going to focus on the concerns that I'm hoping the government is going to be able to address during the course of public hearings. Let me deal with the article.

"We all agree that the inclusion of traditional Chinese medicine ... and acupuncture into the health care system in Ontario would benefit the health and well-being of all citizens. This comprehensive and time-tested medicine is both preventive and curative for many conditions. It is very effective in maintaining and promoting health. It is our wish that the government recognizes the potential value in establishing a safe and fair regulation for the practice of this medicine in the province of Ontario....

"The traditional Chinese medicine ... community believes that regulation is a very important step for our profession. It will increase credibility in the eyes of the public and force us to create high standards for the practice of our profession. We also believe that regulation is necessary for the future growth and development of the profession.

"From the outset of the regulation process, all we have wanted is fairness, equality and professional respect and that the profession be regulated in such a way that public safety, quality care and effectiveness be of the utmost importance.

"Many might think that we should accept regulation at any cost, but we believe that the cost of Bill 50 is too great because it disregards and undervalues the profession of traditional Chinese medicine and at the same time puts the public safety at risk.

"Acupuncture is an invasive procedure below the dermis and there are several documented cases of personal injury due to the improper practice of acupuncture.



"In 1991, when the Regulated Health Professions Act came into effect, acupuncture became exempt from the controlled act of 'a procedure below the dermis,' making it a public domain activity—meaning that anyone could practise acupuncture without any set standard....

"Bill 50 removes the exemption on acupuncture, making it a part of the controlled act of 'a procedure below the dermis.' However, in the same sentence, it exempts all 23 regulated health professions, all health professions regulated under the Drugless Practitioners Act (naturopathic doctors) and all those individuals practising acudetox for addictions, allowing them to continue to practice acupuncture with their own standards. This means, effectively, that presently no regulation for the practice of acupuncture exists. There are still going to be 26 different standards of education and training for the practice of acupuncture; these multiple standards put the public at risk."

I want to deal with that concern in some detail.

I go to page 9 of the briefing document that the government gave stakeholders when the bill was introduced, and it says, "The performance of acupuncture will be regulated to ensure that this service is provided by qualified and competent individuals. Persons who perform acupuncture as part of an addiction treatment program within a health facility will also be permitted to perform the procedure." So the bill amends Ontario regulation 107/96, which refers to the controlled acts under the Regulated Health Professions Act. The Regulated Health Professions Act identifies 13 activities that may substantially put the public at risk. Those are listed very clearly—I'll just read some of them: "communicating ... a disease," "procedure on tissue below the dermis," setting a fracture or dislocation, "moving the joints of the spine beyond ... usual ... range," injection, inhalation, etc. I won't go through all of them. If you look at the regulation, there is certainly a substantial listing of both the controlled acts and the professionals who can perform them and under what circumstances those professionals can perform those controlled acts, because not all regulated health professionals have controlled acts.

Currently, acupuncture is not a controlled act. In fact, anybody can perform acupuncture in the province of Ontario. That is because, under section 8 of the regulation itself, acupuncture is exempt from being a controlled act. The bill proposes to revoke that exemption, meaning stopping just anybody from hanging out a shingle and performing acupuncture, by revoking paragraph 1 of section 8 of the regulation. But if you look at section 18 of the bill, in the very next paragraph, the government proposes the following: "A person who is a member of a college is exempt from subsection 27(1) of the act for the purpose of performing acupuncture in accordance with the standard of practice of the profession and within the scope of practice of the profession." Further, if you look at subsection (3), the government proposes that, "A person who is registered to practise under the Drugless Practitioners Act by the board of directors of drugless therapy is exempt from subsection

27(1) of the Regulated Health Professions Act ... for the purpose of performing acupuncture in accordance with the practice of the profession."

Finally, under subsection (4), the bill also says, "A person is exempt from subsection 27(1) of the act for the purpose of performing acupuncture if the acupuncture is performed as part of an addiction treatment program and the person performs the acupuncture within a health facility."

The point I want to make is this: The government says it wants to stop having just anyone perform acupuncture. I agree with that. The government also says that the performance of acupuncture will be regulated to ensure that this service is provided by qualified and competent individuals. I agree with that too. The government also says that those who work in a health facility and provide acupuncture as part of an addiction treatment program should be able to do that, and I agree with that as well. But the bill, as drafted, in my opinion, as I read it, allows every health professional in every regulated health profession to perform acupuncture. Further, because each of those health care professionals can perform acupuncture in accordance with the standard of their profession and within the scope of practice, there really doesn't seem to be any minimum standard regarding what I should expect from someone who is delivering acupuncture to me. There doesn't seem to be any minimum level of training or educational experience or practical experience or historical experience that is applied and will be applied in common to everybody who wants to practise acupuncture in Ontario.

If the government, from my view, is amending the regulations that talk about the controlled acts by removing the current exemption that would allow just anyone to perform acupuncture, why would the government put in place language which does not make it perfectly clear who can provide acupuncture, under what conditions, with what minimal level of education, with what minimal level of clinical practice to ensure that we have some standard in place which is going to be uniform and apply to everyone who is going to practise acupuncture?

I think that the public is entitled to know what the bottom line is with respect to what the government believes is the minimum standard in place in Ontario for someone to practise acupuncture. I think that's how you protect the public: having a minimum standard in place that will apply to everyone who is providing acupuncture. You can have higher standards, and I encourage that, but from my perspective you've got to have some kind of bottom line, and I don't see it in this legislation. That's what's missing, and that's what the government has to deal with.

Let me give it to you from a personal perspective. I myself have never experienced an acupuncture treatment—not from someone who's experienced in traditional Chinese medicine, not from a physiotherapist, not from a chiropractor, not from a massage therapist. I'd like to think that, if and when I did receive an acupuncture treatment, I can be assured that the person who



is providing that to me, be that a physiotherapist, a massage therapist or a traditional Chinese medicine practitioner, has obtained some minimum standard of competency, of training and of clinical experience. Right now, as it stands, before we pass Bill 50, I can't be assured of that. It's true, I can't, because everybody or anybody could practise acupuncture.

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I don't see what's in the bill that's going to make anything different. I don't see where the bottom line is in the bill that says to all of us that someone who is providing acupuncture, be it a physiotherapist or a chiropractor or a massage therapist, has to have met some kind of minimum standard with respect to education and practice, and then, as a member of the public, I can be assured that I am receiving a high-quality, safe service. I think that is a critical piece missing from this bill.

With respect to providing acupuncture, the government has gone about this matter in this way. The government has opted to allow members of regulated health professions to perform acupuncture in accordance with two things: (1) the standard of practice of that profession and (2) the scope of practice of that profession. I want to make some observations about what it appears the government is using to set the rules, if I may use that term generally, about who can practise.

Let me deal first with the scope of practice. I pulled from the legislation—the scope of practice—a number of regulated health professionals, those who it seems most commonly right now are the ones providing acupuncture. I have to tell you, as I look at the scope of practice, I note a couple of things. I looked at those who are commonly providing acupuncture now and I looked at others who might not be so likely to provide acupuncture. The fact of the matter is, in every act, with respect to every scope of practice, nowhere does it set out in anybody's scope of practice that they can provide acupuncture—nowhere. So you can look at nurses, you can look at dentists, you can look at optometrists, you can look at physiotherapists—nowhere in the scope of practice of those professions is the word “acupuncture” mentioned.

I just want to give you some examples of that. I look at the Chiropractic Act:

“Scope of practice

“3. The practice of chiropractic is the assessment of conditions related to the spine, nervous system and joints and the diagnosis, prevention and treatment, primarily by adjustment, of,

“(a) dysfunctions or disorders arising from the structures or functions of the spine and the effects of those dysfunctions or disorders on the nervous system; and

“(b) dysfunctions or disorders arising from the structures or functions of the joints.”

I look at the Physiotherapy Act and the scope of practice. It says the following: “The practice of physiotherapy is the assessment of physical function and the treatment, rehabilitation and prevention of physical dysfunction, injury or pain, to develop, maintain, rehabilitate or augment function or to relieve pain.”

I look at the Massage Therapy Act and I see the following with respect to the scope of practice: “The practice of massage therapy is the assessment of the soft tissue and joints of the body and the treatment and prevention of physical dysfunction and pain of the soft tissues and joints by manipulation to develop, maintain, rehabilitate or augment physical function, or relieve pain.”

If I look at that, I as a consumer couldn't tell you whether or not those health care professions have, within their scopes of practice, the ability to provide acupuncture. I don't know what the key word is that I should be looking for that would clearly say to me as a consumer, “This is a health care professional who should provide acupuncture.”

Then I thought, “Well, I heard from some of my colleagues that they know dentists who practise acupuncture.” I had never heard that myself, but indeed some of my colleagues tell me that is the case, so I look at the scope of practice there: “The practice of dentistry is the assessment of the physical condition of the oral-facial complex and the diagnosis, treatment and prevention of any disease, disorder or dysfunction of the oral-facial complex.” Again, I am looking at that scope of practice. I don't know what I should be looking for in terms of how that defines who can provide acupuncture. I do know, because my colleagues tell me, that they know dentists who provide acupuncture. This was news to me, because I would never have expected that, and I certainly wouldn't have expected it looking at the scope of practice.

Let me deal with two more. Physicians—and I'm glad to see Dr. Qaadri is here today.

“Scope of practice

“3. The practice of medicine is the assessment of the physical or mental condition of an individual and the diagnosis, treatment and prevention of any disease, disorder or dysfunction.”

That's important, but I'm still not clear about how that relates to acupuncture. Let me do one more. Nursing: The scope of practice says this: “The practice of nursing is the promotion of health and the assessment of the provision of care for and the treatment of health conditions by supportive, preventive, therapeutic, palliative and rehabilitative means in order to attain or maintain optimal function.”

The point I want to make in this section is that the government says we should look to the scope of practice of regulated health professions to see who's in a position to provide acupuncture. I did that, and I am not any further ahead to understand the link between scopes of practice of some of these groups, many of whom are providing acupuncture now, and acupuncture itself.

Perhaps the key word is “treatment,” and maybe if the word “treatment” appears in your scope of practice, that entitles you, as per your college, to provide acupuncture. That seems to be the one word that was in common through the different scopes of practice that I read into the record, and that was a little bit different, for example,



than what I read under the Pharmacy Act. But, in truth, I can't see that link. I can't see the connection, and I'm hard-pressed to understand which colleges and which professions have in their scope of practice the ability to provide acupuncture. The government is relying on this as part of how it's going to regulate acupuncture and determine who can provide acupuncture.

So then I went to the second standard or means that the government says we should use. The government says very clearly—and I want to read the section, “A person who is a member of a college is exempt from subsection 27(1) of the act for the purpose of performing acupuncture in accordance with the standard of practice of the profession and within the scope of practice....”

So I've dealt with the scope of practice. Let me deal with the standard of practice of the profession to see if there's any more information there that might make the link and give us all some idea of what the standard of practice is that would allow people in regulated professions to actually provide acupuncture. I want to deal with a couple of these.

Let me deal with chiropractic first. I want to say that the president of the college was very good to send to me some time ago a draft copy of their proposed standards for chiropractors who also want to perform acupuncture. It may now be a formal policy. I don't know, and I apologize that I don't know that. But in the draft copy of the standards of practice for chiropractors who want to provide acupuncture it says some the following:

“Members are required to obtain patient consent prior to treatment by acupuncture that is:

“—fully informed;

“—voluntarily given;

“—related to the patient's condition and circumstances;

“—not obtained through fraud or misrepresentation; and

“—evidenced in a written form signed by the patient or otherwise documented in the patient's health record.

“Members are reminded that this standard should be read in conjunction with standard of practice S-013: Consent. Members should refer to the World Health Organization's ... ‘Guidelines on basic training and safety in acupuncture,’ 1999..., for a more in-depth discussion of prevention of infection, contraindications, accidents and untoward reactions, and injury to important organs.”

Then they deal with the educational requirements:

“Educational requirements in establishing degree of skill

“To practise acupuncture as an adjunctive therapy in the context of the chiropractic practice, members must have completed specific acupuncture training as taught in the core curriculum, post graduate curriculum or continuing education division of one or more colleges accredited by the Council on Chiropractic Education Inc. or in an accredited Canadian or American university, or in an accredited school of acupuncture.

“CCO”—that is the college—“adopts the WHO guidelines that a combined (clinical and academic) minimum

of 200 hours' training is recommended for those members wishing to use acupuncture as an adjunctive procedure in their primary practice.”

That was pretty clear to me in terms of where the College of Chiropractors is going to develop a standard that their members would have to live by if they wanted to practise acupuncture. Of course, if their members violated that, that would be grounds for misconduct, and a number of consequences would flow from that.

I went to some of the other health care professionals because I wanted to see what their standard of practice was with respect to their members delivering acupuncture.

**1730**

We talked to the College of Physiotherapists of Ontario. Now, it is true that the college is in the process of developing standards right now, so the most recent information that we have really relates to what they put out in 1998. The college said the following with respect to the practice of acupuncture by physiotherapists:

“—recognize that under the RHPA, the practice of acupuncture is not included under the controlled act of performing a procedure on tissue below the dermis. Physiotherapists therefore may perform acupuncture in accordance with standards and policies of the college.

“—limit his or her use of the modality to the treatment of generally accepted physical disorders within the scope of practice for physiotherapists, and refrain from using acupuncture to assist with smoking cessation or to promote weight loss within their physiotherapy practice.

“—have received appropriate training at an educational organization which trains and certifies individuals to practise acupuncture.... he or she must be trained in the technical application modality. For example, in Canada, appropriate acupuncture training is available through the Acupuncture Foundation of Canada, the University of Alberta, the International College of Oriental Medicine and the Upledger Institute.

“—perform acupuncture only at the member's level of training and competence.

“—adhere to the college's standards of practice.”

Again, these are some guidelines with respect to what the college feels is appropriate with respect to standards of practice for those physiotherapists who want to undertake acupuncture as well. I suspect we'll see more, because they were in the process of development of those.

There was certainly some distinction between the standards that were in place at various colleges. I went next to the massage therapists of Ontario and saw that the college said the following, under limitations: “As the scope of practice of massage therapy authorizes treatment of soft tissues and joints of the body, the college perceives that limitations need to be imposed on the practice of acupuncture by massage therapists. This stems from the expectation that acupuncture, when practised to treat the whole range of possible acupuncture treatment-related effects, can be anticipated to treat tissues, structures and conditions outside the scope of massage



therapists. Therefore, massage therapists will limit their use of this modality to the treatment of generally accepted physical disorders within the scope of practice of massage therapy."

Then they set out their educational requirements, and they listed institutions where one would have to go in order to have minimum training requirements. They say, "Any of the above-listed 11 organizations offering acupuncture training to health professionals have been approved by the college as meeting the minimum education requirement in acupuncture for massage therapists."

I don't have any sense of how many hours that includes in any of these institutions. I'm sure that's available; I just didn't have it for the purpose of this debate today. But that's what that particular college says.

Going to the College of Physicians and Surgeons of Ontario, we really couldn't find much of a standard of practice at all with respect to what doctors who want to provide acupuncture should adhere to in terms of practice, educational requirements etc. On the website, the College of Physicians and Surgeons did say, "Physicians are currently entitled to 'perform a procedure on tissue below the dermis' and as such, acupuncture is clearly within the practice of medicine." I didn't see that in the scope of practice, but maybe we're also supposed to refer to the controlled acts. I don't know; the government didn't say that. "The college recommends that the government regulate persons who perform acupuncture by having the regulatory colleges whose members are legally able to perform acupuncture within their scope of practice co-operate to set standards of practice for their respective members. The CPSO, as the self-regulatory college for physicians, is the appropriate entity to set standards of practice for physicians who provide acupuncture treatments."

Well and good, and we appreciate that, but we did have some difficulty, and maybe we just weren't looking in the right place, in actually finding what those standards are, what the minimum expectations are by the college with respect to what kind of training in acupuncture a physician should have, how many hours etc.

Let me deal with two others. We looked at the College of Nurses of Ontario as well as the Royal College of Dental Surgeons of Ontario. Again, I have to say that there were not set out for us some really specific standards with respect to what the minimum requirements are around education that might be expected, where you should obtain that, how many hours of clinical practice etc. What was interesting, when we talked to the Royal College of Dental Surgeons, for example, was that we were told the college does not have standards in place at this time and does not list what those training requirements are, but we know that there are dentists who are practising acupuncture.

The point of having gone through all the standards of practice of some of these colleges was, it seemed to me, that there really wasn't a minimum that was common through all of the regulated health professions. So as a consumer, what assurance do I have about the service

that's being provided to me with respect to whether or not that regulated health professional has met some kind of bottom line with respect to their training, with respect to their training in acupuncture, with respect to their clinical hours in performing this particular health service etc?

I say again that if the point of the exercise is to try to regulate acupuncture to protect the public, then surely what we should have in place is some minimum standard that's going to be common across all professions, so that consumers like me know what to expect when they see a regulated health professional to try to obtain acupuncture service. Right now, I don't see that in the bill. I looked very carefully at the scope of practice to try to see what the links are between scopes of practice and who could provide acupuncture. I really couldn't clearly see one over the other and who could and who couldn't, unless the word "treatment" is the key, that if it says "treatment," then that's within your scope of practice. I certainly noticed a broad range of standards from various colleges with respect to what their expectations are for their members who also want to practise acupuncture over and above their traditional practice, be it nurse, physician, physiotherapist etc.

Because the College of Chiropractors of Ontario referenced the WHO, I took a look at the WHO guidelines in this regard. I'm not going to go all the way through the package, but the WHO put out Guidelines on Basic Training and Safety in Acupuncture. This was established in 1999. It seems to me that this would be at least a good starting point for all regulated health professionals and all colleges, if they are considering developing standards by which their members can provide acupuncture as well. This is the minimum starting point, from my perspective.

There are probably going to be colleges that disagree with me, but you've got to start somewhere, and it seems to me this is not a bad place to start. It certainly seems that the College of Chiropractors, for example, has adopted this as a standard. I hope that others will. It outlines from the perspective of the WHO what the requirements would be if you are, for example, practising acupuncture full-time—and that's going to be dealt with by the college, and it should be—and if you are another health care professional and also practising acupuncture, what the minimum requirements are around the hours that you do that. They say, for example:

"The course should comprise at least 200 hours of formal training, and should include the following components:

"(1) Introduction to traditional Chinese acupuncture.

"(2) Acupuncture points

"Location of the 361 classical points on the 14 meridians and the 48 extraordinary points;

"Alphanumeric codes and names, classifications of points, direction and depth of insertion of needles, actions and indications of the commonly used points selected for basic training.



“(3) Applications of acupuncture in modern Western medicine

“Principal clinical conditions in which acupuncture has been shown to be beneficial;

“Selection of patients and evaluation of progress/benefit;

“Planning of treatment, selection of points and methods of needle manipulation, and use of medication or other forms of therapy concurrently with acupuncture.”

Then they talk about:

“(4) Guidelines on safety in acupuncture.

“(5) Treatment techniques,” etc.

So those are some of the basic requirements with respect to educational training and the number of hours, but they also had a really important section, section 2, with respect to safety in acupuncture and what you should be looking for or dealing with if you're trying to prevent infection; if you're dealing with contraindications; if there are accidents or untoward reactions, what you should do—let me just give you a few more ideas here—if there are injuries to important organs, what you should be doing to deal with that; if someone faints; what you should be doing with respect to patient records etc.

I raise with the government here today, as I see it, that the standards of practice between the professions are different. It seems to me that as a government you want to make sure that there are some minimum standards in place. We want people to go higher than that—absolutely—but we certainly want some minimum standards in place with respect to educational requirements, with respect to clinical practice etc. Perhaps the WHO guidelines are the place to start—maybe there will be some disagreement with that—but I certainly think there has to be something. Right now, as I look in the bill, it seems to me that any regulated health professional can provide acupuncture, and the conditions around which they do that or the standards that are in place by their college to do that are very, very different. If you're serious about protection of the public, surely you want some minimum standards across all colleges to make sure that all regulated professionals who are providing acupuncture have achieved some minimum competency with respect to their education, with respect to, perhaps, exams, with respect to their clinical training. I don't see that in this bill, and I think that really has to be addressed by this government during the committee proceedings.

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Let me just return to some of the concerns that were also addressed by Ms. Lombardi. I want to just go through those before my time runs out. The second concern had to do with the title of “doctor.” It is true that the bill and the amendments to the Regulated Health Professions Act are going to allow certain members of the College of Traditional Chinese Medicine Practitioners of Ontario to use the title “doctor.” We know that the requirements of the college in this regard as to who could use that title are going to be set out in regulation. We also know that the minister made a referral to the HPRAC

some time ago, asking for advice in this regard, and we expect that that advice is coming back this Friday, September 29. The HPRAC was asked to deal with what should be the educational requirements related to the title of “doctor” and to put forward recommendations to the minister on how those educational requirements could be set and measured. I look forward to seeing those recommendations.

But I want to raise another issue and concern with respect to “doctor,” and it is this: There are a number of people who are traditional Chinese medicine practitioners who are wondering what they get for qualifying to use the title “doctor.” I'm not going to deal with the requirements—that's going to be set—but if you are allowed to use the title “doctor,” what do you get from that?

She says the following: “Bill 50 has also granted the title of ‘doctor’ to those individuals who meet the criteria to be set by the new college of TCM and approved by the Lieutenant Governor. However, in Bill 50, doctors of TCM are not given any of the rights and privileges of any of the other regulated health professions also granted use of the title ‘doctor.’”

“For example, TCM doctors will not have the right to communicate a diagnosis,” will not have the right to “be able to order tests or X-rays or move the joints of the spine beyond their normal physiological range.... TCM doctors will not have access to any of the controlled acts, meaning that the title of doctor holds no authority in the eyes of law. It is simply an ‘honorary title’ offered to please the Chinese community. This seems unfair to those individuals with many years of medical training in addition to extensive training in traditional Chinese medicine and acupuncture.”

I think there's a point there. I think if you qualify to have the “doctor” title because of the extensiveness of your training and your clinical experience, then some of those controlled acts that are given to other regulated health professions who also hold the title of “doctor” should be ones that the minister considers giving to TCM practitioners who also can obtain the title of “doctor.” As the legislation now stands, they will not have access to any of the controlled acts. I'm not clear, then, what the title provides them, what authority, what responsibility the title provides. I'm hoping that the government will take a second look at that particular issue. Frankly, to be sure, just having the title is not empty all in itself, but having the title because you have attained a certain level of achievement because of your medical background and your experience and your competency is going to count for something. I'm not sure right now, as I read the legislation, what it counts for. I don't want to have people undermined by getting the title of “doctor” and then having no responsibility or authority to follow actually getting that title.

I want to deal also with the grandfathering. I think I mentioned this earlier. This needs to happen. It was mentioned by some of the members of the Liberal Party earlier that there will be regulations regarding this, to be sure. It is critically important that we find some ways and



means to allow traditional Chinese medicine practitioners, who have been providing services to communities for a very long time, to be grandfathered into this legislation. I don't know what the college will come up with in this regard, but I want to be absolutely certain that it is going to be part of the agenda of the new college, that it is clearly spelled out in the legislation and that it is going to be their role and mandate as one of the things they have to look at.

A concern that was also raised has to do with language used in licensing exams. I think there's going to be a difference of opinion from those in the community about that. I am aware, or have been advised, that in the United States, exams are provided in Japanese, Chinese and Korean. Right now, it appears that the consideration for the exams would be in English and French. The government may want to have some consideration with respect to having the exams also in Chinese.

Of course it is important for practitioners to have proficiency in English and French. I'm not undermining that in any way, shape or form, but I also don't want to see people who have so much to contribute, so much skill, so much competency and so much expertise not be able to provide that to the community because of barriers around the writing of the exam and their ability to respond to that exam. That's an important consideration that the government needs to take into account.

I wanted to raise another concern that would clearly be a source of debate at public hearings, and I again urge the government to move to public hearings. I know that there is a significant difference of opinion between a number of organizations representing traditional Chinese medicine practitioners and members of regulated health professions around who practices acupuncture, and whether or not a distinction needs to be made between the profession of acupuncture and those who would describe it as an adjunct modality practised by other health care professionals.

I want to read into the record, if I might, the concern in this regard: "The TCM community"—and I'm not saying that all of them are. I want to be clear in the record, but those who have expressed concern to me are. I'm reading this from Marylou Lombardi and the organization she represents.

"The TCM community would also like to see a clear legal distinction made between the 'profession' of acupuncture and the adjunct modality practised by other regulated health professions. This modality should only be performed by those professions whose scope of practice necessitates the practice of this invasive procedure. The TCM community has asked that the name be changed to 'intramuscular stimulation' or 'anatomical needling' so that the public is clear on the differences between the two and can make an informed choice regarding their health care needs....

"If other regulated health professions wish to practise the adjunct modality, amendments should be made to their own regulatory acts; the term adjunct acupuncture or intramuscular stimulation should be clearly defined in

their legislation and the scope of practice should be clearly defined; adjunct acupuncture is for the treatment of musculoskeletal pain. If these regulated health professions encounter clients with more complex health issues they should have to refer them to a TCM-acupuncture practitioner."

There is a difference of opinion on this particular matter, and I think that difference of opinion was clearly expressed to the MPP consultation group when they travelled around. I'm not making a recommendation on one side of this or the other. I do think that having those concerns makes it all the more reasonable to request that the government have public hearings. It makes it all the more necessary that the government have public hearings because this is an issue where there is still a great deal of concern. Whether or not it can be sorted out remains to be seen, but it's a concern that has legitimately been put on the table today.

I have tried to outline the concerns that have been expressed to me about the bill in its current form. I said at the outset and I'm going to say it again: I was part of a government that regulated a number of health care professionals, so this not new to me, and I am very supportive of regulation. I am supportive from the perspective of protecting the public, which should be the paramount reason for regulating health care professionals in the first place, but I am also very supportive from the perspective of recognizing those professionals who are going to be regulated, essentially elevating their role in the health care system and ensuring they have an appropriate role in the health care system because their services will be beneficial to the health and well-being of Ontarians.

**1750**

I support those principles, and I certainly support those principles with respect to the regulation of traditional Chinese medicine and acupuncture. It is an alternative therapy that has been used for 2,000 years—certainly not here in this country, but 2,000 years—and it is a treatment model that has been adopted in a number of other jurisdictions, most notably the province of British Columbia.

What I do want to be sure of, as we incorporate traditional Chinese medicine and acupuncture into the health care system, is that we are doing so in a way that protects the public and respects the competencies and the skills of the traditional Chinese medicine community and those who provide acupuncture.

I want to say again that the most important concern for me is that I do not see in the bill at this time what the minimum standard is that is acceptable for those who are practising acupuncture. As a member of the public, as someone who is concerned about public safety, what is the minimum standard that is going to be in place so that, regardless of whom I obtain acupuncture from, I can be assured, as a member of the public, that they will have succeeded in achieving certain educational standards, certain clinical standards in terms of practice etc.? I do not see that in this bill, and because I don't see that, I



really don't see how what Bill 50 proposes is much different from what's currently in place, where anybody can practise acupuncture.

There are other provisions in the bill that certainly do change things, but frankly, that particular provision says to me that what is in place, where anybody can do whatever they want, is what might end up being in place after the bill is passed unless and until the government says very clearly, "We are going to have minimum standards. These are how the minimum standards are going to be regulated. We expect anybody who's going to practise acupuncture to follow those minimum standards, and if you don't, then you can expect that your college will deal with you in due course as a result."

I want to say that I put forward the WHO guidelines as a potential for the government to start with, listed some of the reasons why I thought that was appropriate, and I certainly hope the government will take that into account as we continue to deal with the debate but, more importantly, as we deal with this in public hearings.

In conclusion, I hope the government will signal at some point today that there will be public hearings on this bill. I think it is absolutely necessary. We want to work toward finding a bill that will be acceptable to the traditional Chinese medicine community, that will ensure public safety with respect to the provision of acupuncture and traditional Chinese medicine, and one that will, at the end of the day, certainly recognize the importance of traditional Chinese medicine and acupuncture as part of ensuring the health and well-being of the citizens of the province of Ontario.

**The Acting Speaker:** Questions and comments?

**Mr. O'Toole:** Again, it's always a pleasure to listen to the member for Nickel Belt. She is one of the most respected members here in terms of health, and being the critic, she has a great deal of experience and insight to offer. I can say that on committee and other places she always brings balance to her observations. That's really what's needed here on Bill 50.

A range of choices from the patient's perspective is extremely important. At the risk of aggravating some of the members on the government side, just recently we had a bill here—and I'm saying it to the visitors in the gallery—Bill 102, which was the revision to the Ontario drug benefit plan and drugs in Ontario. To get an agreement at the end of it, to get that bill passed—because they were outraged; the people here in this building, during the hearings, were outraged. They were going to dismantle the profession of pharmacy, quite frankly, and there was a lot of anger in those hearings. To get the bill to pass under some comfort zone, they said things in public and made amendments that would lead one to believe they had backed off. But now what we're finding is—they're gazetting the regulations under that—that the pharmacists are right back, saying, "Oh, no. They giveth and they taketh away."

I think this change, which is something I would support, needs to have that full endorsement of public hearings, and to be watchful. You've navigated this

particular issue of Chinese medicine and acupuncture to the point where it's being debated here in the Legislature. What we need is a continued diligence through the process, working with the opposition and holding them accountable—I include Ms. Martel and the NDP in that process as well—making sure that your proposed amendments are heard by all members. That's the advice I offer. The discussion has been beneficial.

**Ms. DiNovo:** I simply want to applaud the careful analysis and thorough research of my colleague, our health critic from Nickel Belt. It is the sort of careful analysis and thorough research that is clearly missing from Bill 50.

I also want to applaud the patience and attention of our esteemed guests, and to reiterate, as the representative of Parkdale-High Park and many alternative practitioners, my support for traditional Chinese medicine, both in Parkdale-High Park and everywhere in Ontario, and the practice of acupuncture. We simply ask, as you have heard from the NDP, that this flawed bill be looked at again, that it be looked at both in public hearings and at committee, so that we can produce a piece of legislation that actually meets your needs.

**The Acting Speaker:** Further questions and comments?

**Mr. O'Toole:** They've been silenced.

**Mr. Sergio:** Absolutely; especially at this hour. Right, John?

I have to rise and welcome to the House some very distinguished guests here, including Dr. Ho, whom I met on a regular basis at a program on CHIN Radio, where he not only gives his advice in Italian—and I have to really take exception to the fact that he teaches me a lot of Italian that I have forgotten—but where he gave me on occasion some real twisting and pulling of my neck and arms. He said, "How do you feel now?" I had to say, "Much, much better." The only problem is that after 15 minutes, he said, "From now on I want to be paid." I said, "Well, that's where I'm terminating my time here."

I have to commend the government and the minister for bringing this forth. I think it's a good time to be coming. I can appreciate the comments from the opposition side; I think they are good comments. It will be very interesting indeed when this bill goes through the various stages of public hearings to hear not only members of the House but members of the public. I would say that we'll see a very positive response from individuals and various organizations in support of the bill.

We have heard that it's flawed. Well, there's no such thing as a flawed bill. I think the bill has got good content. It deserves support. It deserves to go for second reading and to face the public, and then we can see. I hope that we have contributions so that indeed this bill can be much, much better and deserve the support of every member of the House.

**The Acting Speaker:** Any additional questions and comments? Seeing none, the member from Nickel Belt.

**Ms. Martel:** I want to thank the members from Durham, Parkdale-High Park and York West for their contributions.

I want to say to the member from York West, after being here for 19 years, that I can tell you there are such things as flawed bills. The issue is going to be whether or not this is one of them, but there certainly have been in my experience here.

I just want to reiterate that I've tried to put on the record the concerns that have been relayed to me. I recognize that there's a difference of opinion in the traditional Chinese medicine community about this particular bill. I do hope, therefore, that the government is going to agree to public hearings so that we can

canvass these issues again and come up with a piece of legislation that will do what we all hope is going to be done: to regulate the profession, recognize the importance of the profession, recognize how it will benefit Ontarians, and ensure that there will be public safety with respect to Ontarians who receive both traditional Chinese medicine and acupuncture services.

**The Acting Speaker:** The time now being 6 of the clock, this House stands adjourned until tomorrow morning at 10 o'clock.

*The House adjourned at 1800.*



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**Jeudi 28 septembre 2006**

Speaker  
Honourable Michael A. Brown

Clerk  
Claude L. DesRosiers



Président  
L'honorable Michael A. Brown

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 28 September 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 28 septembre 2006

*The House met at 1000.*

*Prayers.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

### PROVINCIAL-MUNICIPAL FISCAL REVIEW

**Mr. Ernie Hardeman (Oxford):** I move that, in the opinion of the House, the proposed provincial-municipal fiscal and service delivery review, which will not be completed until February 2008, after the next provincial election, is needlessly drawn out and that a full review to balance the delivery of services with the ability to pay should be completed much more expeditiously, in order to avoid hitting Ontario taxpayers with unsustainable property tax hikes or significant reductions in service.

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Hardeman has moved private member's notice of motion number 24.

Pursuant to standing order 96, Mr. Hardeman, you have up to 10 minutes.

**Mr. Hardeman:** This resolution addresses an urgent problem that is facing municipalities and affecting taxpayers across the province. The problem, as we all know, is that there is an increasing gap between the cost of services that municipalities have to deliver and the provincial transfers. That gap is being passed on to taxpayers through increased property taxes and reduced services.

Municipalities urgently need the province to re-examine their relationship and balance the delivery of services with the ability to pay. The last municipal-provincial review was completed almost 10 years ago. As many of the members in this House will remember, at the time, municipalities were struggling to cover the cost of education. Exponentially increasing school board budgets were resulting in large annual increases in the property tax bill. Municipalities were begging the province to change the system and help them deal with education expenses. We took action and balanced the cost of services with the ability to pay.

Since then, circumstances have changed. The cost of some of the services has grown faster than others, the cost of delivering services overall has increased rapidly, and provincial transfers haven't kept pace. The system needs to be fixed. We have some great municipal politicians in this province, and they have been doing their

best, but they have no choice: They have been forced to raise property taxes or reduce services to make ends meet. Now the time has come to again make a change to help municipalities.

The property tax hikes are not sustainable. They are causing real hardships to homeowner, especially seniors on fixed incomes. John Tory and I have been calling on the Liberal government to give municipalities the resources to deal with increasing costs. Instead, the Liberals continue to heap more expenses on to municipalities.

AMO now estimates that there is a gap between municipal transfers and the cost of social programs of over \$3 billion. If the government passes the Clean Water Act, municipal expenses are expected to increase again. On August 26, the Toronto Star said—and these are not my words—"It's something every councillor and mayor across the province struggles with at budget time. The costs of the programs the province has decreed they must provide keep going up, so either property taxes have to go up too or other city services have to take a cut."

John Tory and I have been out talking to people about the need for a municipal-provincial services solution for a long time. Finally, in August, the Premier committed to do something, but his solution is to study the problem for 18 months, so that it goes away until after the next provincial election. This just isn't a solution. I'm glad that after three years of talking, the Premier finally stepped up and committed to have the provincial-municipal fiscal service review, but 18 months to study this is unacceptable. It is far too long for municipalities to wait. They don't need a long-drawn-out study. What they need is help now.

On August 26 of this year, Hazel McCallion, the mayor of Mississauga, said, "We need the assistance now. We can't wait until 2008." We don't need that long to study this issue. Local politicians know what the problem is. The government ministries have all the numbers. They know what the problem is: The services that municipalities are expected to deliver cost more than they have the ability to pay. It is that simple. The North Bay Nugget said, "The province doesn't need 18 months to study the problem. It's well documented already. What the province needs is a solution, and one before the next provincial election, not after."

You know, there have been a lot of people talking about this problem over the past few years, and the need to fix it. But in all that talking I can't find anyone, not a single person, who has asked for an 18-month review. The St. Catharines Standard said, "It appears that Dalton McGuinty's re-election strategy is to commission studies



of potentially contentious issues, with them due to be delivered well into the term of the next government." I think that is unacceptable. It's unfair to make municipalities and ratepayers wait for relief until after the provincial general election just to avoid a campaign issue. In comparison, David Crombie's Who Does What panel in 1996 took only seven months and Anne Golden's GTA Task Force in 1995 took only 11 months. The Liberal government has already had three years to solve this problem. Instead, they have pointed fingers and whined about how difficult it is, and during that time the cost of delivering local services has continued to increase, and the municipalities' need has grown. Now they want another 18 months.

Roger Anderson, the past president of AMO, warned the Liberal government in the pre-budget consultations, "The longer we wait, the more it will cost us in lost opportunity and investment in core municipal responsibilities such as transit, transportation and essential water and waste water infrastructure." When the government announced the review, he said that 18 months was longer than he would have preferred, and that he would work very hard to shorten that period. My objective here this morning with this resolution is to help Roger Anderson, the former president of AMO, in achieving that goal just to make that time line shorter.

It has been over six weeks since the announcement of the review, and we haven't even heard any news about the appointing committee. If the Liberals would stop trying to bury things until after the election and work on it, they could have made significant progress by now. Obviously, the people cannot start work before they're appointed, and they can after they are appointed. So let's get on with the appointing and get on with the work being done.

1010

Today, I'm calling on the Liberals to pass this resolution and take action to help municipalities and ratepayers now. I'm sure that every member of the Liberal Party will support this resolution, because it just speaks to improving the quality of service that the province can provide, and the timing of providing that service.

Since it was announced without any firm criteria of what they were looking for, I'm sure there was not one provincial Liberal at the AMO conference, at the announcement, who knew why there was 18 months—whether 12 would have been sufficient or whether six would have been sufficient. I'm sure that now, when they have looked at the facts, they will be happy to support this resolution, to make sure that it can be done as expeditiously as possible.

Don't let more seniors give up their homes just because they can't afford to pay their taxes. And that literally is happening in the province of Ontario. When the tax bills go out and they see dramatic increases that the municipalities must charge, there are seniors in this province who figure out their income and their expenses, and they have to give up their homes and move into other accommodations because they can no longer support the municipalities' share of their homes.

Don't let our municipal infrastructure continue to deteriorate because municipalities can't afford to fix it. Again, all municipalities, when they are doing their budgets, have their needs in front of them, and then they have to go through the process of trying to define which ones could wait another year without causing great detriment, because they can't do all that needs to be done. They need help from the province of Ontario. Don't let another municipal budget go by without balancing the delivery of services with the ability to pay and providing real relief to municipalities and municipal taxpayers.

Finally, as I was driving into the city this morning—and this is not about the delivery of services—there was a story on the news that spoke to the Provincial Offences Act and the need to go before a justice of the peace in order to have a case heard. The reason I bring up that, Mr. Speaker—and I know you want me to speak to the topic—is because the Provincial Offences Act revenues were part of the transition in the realignment of services. The municipalities get that to help pay for the social services they are responsible for. Now, this morning, I hear that because of the lack of the appointing of JPs by the present government, the municipalities stand to lose up to half a billion dollars in provincial revenues to help pay their bills. And what's more, even people who plead guilty to traffic offences under the Provincial Offences Act are in fact going to court and not worrying about it, because chances are their case will not be heard and they won't have to pay the penalty for their infraction of the law.

I think this is so important. It is not appropriate to leave that to a review for 18 months, and no changes will be made to that problem for 18 months. I think it is just unacceptable. We don't have a time line, but that's why I think we need to get on with getting this review done, so the problem can be solved on behalf of all taxpayers in Ontario, those who are paying too much, and also all the taxpayers who are now not going to have to pay for their infraction of the law, and I think they should.

With that, I hope everyone in the House will vote for this, because it does deal with good government and good services to the people of Ontario.

**Mr. Jeff Leal (Peterborough):** I'm more than delighted to participate in this discussion this morning. I spent 18 years in municipal politics, between 1985 and 2003. Now, I listened very carefully to the member from Oxford this morning, and this resolution is an attempt to rewrite history that would make Stalin blush—really.

I was at the AMO meeting in 1998 with all of my good friends from Peterborough. I was at the back of the room when the Premier of the day, Mr. Harris, came in to announce the downloading, and I listened very carefully. I wasn't one of the people who were part of the two standing ovations that he got that day, but I did take out my pocket calculator to start to add up the cost.

It was interesting on that morning, when the then Premier, Mr. Harris, made that announcement, how different his remarks were from the report that was prepared by David Crombie some two years earlier. Mr.



Crombie did what I thought was a very extensive review of what services should be handled at the provincial level and what services should be handled at the municipal level, and I just want to talk about one of the services. Mr. Crombie at that time recommended that social housing remain at the provincial level. The reason David Crombie at that time suggested that social housing should remain at the provincial level was because he recalled what happened to the cost of social housing when the Bob Rae government was in power from 1990 to 1995. The economy got soft and the need for social housing increased dramatically, and he came to the conclusion that municipalities didn't have the wherewithal to handle the social housing issue.

But did Al Leach, the Minister of Municipal Affairs of the day, listen to Mr. Crombie? No, he did not. In fact, he turned the recommendations from the Crombie commission on their head, and as he made those changes, it reflected the Harris speech on that sad day at AMO in 1998 when he talked about the downloading exercise. As a former municipal politician who went through all those budgets, I could certainly see the impact it was having on the property taxpayer.

I'll cite another one that was offloaded on that sad morning in 1998: the assessment. Up to 1998, assessment was handled by the Ministry of Finance, where I always thought assessments should be handled. But they created this new arm's-length corporation called the Municipal Property Assessment Corp., and who was left to fund 90% of that cost for MPAC? It was allocated to the municipalities in the province of Ontario, an onerous burden that they had to face.

Land ambulance: Everybody recognizes, I believe, that land ambulance should be an integral part of the health care delivery service in Ontario. They dumped that onto the municipalities, and thank goodness we've taken the step to upload land ambulance service in the province, a responsible thing to do.

Secondly, we've also started to upload the cost of public health in Ontario. That's another issue that we've moved forward with, a very bold initiative to put it back where it belongs, to take that burden off municipalities in Ontario.

We as a government, after eight years of neglect in the social housing field—what was their response for eight years? "Well, we'll give the municipalities a very small PST rebate if they are going into the social housing field." We made the determination as a government to come back dollar for dollar with the federal government to provide additional social housing in the province of Ontario.

I believe it is important to get it right this time and that a review of such things as infrastructure, additional areas in public health, emergency services, social services and housing, and special challenges faced by northern communities, rural communities and urban centres needs that 18 months to get it right.

I just want to reiterate to the people who I know are watching this debate from all across Ontario, particularly

municipal politicians who went through the experience of the Who Does What, that our government, the McGuinty government, has taken major steps forward, with significant new investments in municipalities over the last three years. The provincial gas tax in 2006, \$232 million to municipalities to enhance their transit opportunities, compounded by the moves made by the federal government in the gas tax area, has allowed municipalities to enhance their transit systems, to get people out of their vehicles and into transit. The Move Ontario program that we announced in the spring of this year, \$1.2 billion; roads and bridges, \$400 million; an additional investment in transit. Affordable housing in 2006, \$668 million. I know in my community of Peterborough, major projects have gone forward with funding through this program. In the municipal partnership fund which we introduced in 2006, some \$763 million is allocated to municipalities across the province of Ontario to help them with their financial needs.

It's interesting. In my community of Peterborough, the county of Peterborough, under the old program that the Tories had in place, there were three municipalities that didn't get a cent of support from the province of Ontario, and they were three of the municipalities with the lowest assessment base. One of them happens to be in the riding of my good friend the member from Victoria-Haliburton-Brock, and she will know that Galway-Cavendish and Harvey got no money under the system that was put in place by the Tories before, and now, under this government, that municipality is getting support from the provincial government to offset their costs that occurred in the downloading during the eight years that they were in power.

1020

I've heard from public health agencies across the province that they're very pleased that funding from the provincial government will move from some 50% to 75% by January 2007. We've also enshrined a protocol, through the memorandum of understanding, that we will consult with all municipalities across Ontario when things are going to be changed.

I have some supportive quotes of what we announced, our 18-month review. Vic Fedeli, the mayor of North Bay, said, "It's good news for municipalities." Gord Hume, a city of London controller, said in the London Free Press, "I'm delighted. It's about sustainable funding and better servicing for the people of Ontario." Paul Fitzpatrick, the CAO for the city of Cornwall, said, "Obviously, the deal is a step in the direction of looking at what's the better way of perhaps delivering those services and programs." And the person who succeeded me in my ward in Peterborough, Garry Herring, would say, "I think it's great. It's the most positive thing we've heard. One thing we learned is that we're all in this together," and this government recognizes the needs of the municipalities across Ontario. I'm delighted to have an opportunity to make some comments on this resolution this morning.

**Ms. Lisa MacLeod (Nepean-Carleton):** It's a pleasure to stand in support of my colleague and friend the



member for Oxford and to provide a fact check for my Liberal colleague from Peterborough. The municipal-provincial-federal fiscal imbalance is something that our party and our party leader, John Tory, have sought to correct for some time. We feel—and quite rightly, I might add—that only once these interdependent relationships are fully assessed can we truly understand who does what and who should be paying for what.

I might add at this time that we on this side were terribly flattered when the other side took a page from Mr. Tory's book and announced at the recent AMO convention the service delivery review for municipalities. The only problem, of course, is that their imitation was just that: a cheap knockoff of the real thing. Indeed, if the Liberals were serious about fixing the municipal-provincial-fiscal imbalance and undertaking a thorough and effective municipal review and if they really wanted to seek the truth, then I venture to suggest they would not have postponed the conclusion of their study and subsequent release of the results until after the next provincial election, and they most certainly would not have rushed in at the last minute with a quick fix at the AMO conference, announcing what I consider far less of a commitment than the original John Tory proposal. So you'll find it as no surprise that our municipal affairs and housing critic, the member for Oxford, would today try to give Ontarians the genuine article, not the McGuinty knock-off.

My good friend from Oxford is fully aware that this Liberal government will say anything and they will do anything just to get and stay elected. In fact, the McGuinty Liberals only promised to undertake this municipality review because they needed a promise that they couldn't break right away. Of course, it wasn't even initially their promise. It's more of a borrowed idea, one that they dumbed down to suit their style of government. You see, this is a government that has made promises that it knew it couldn't keep or promises that this government never intended to keep when it was elected in 2003. With this municipal review, I can only conclude the Liberals are delaying a promise—a promise, might I remind you, that only came at the 11th hour at AMO and a promise that they do not care is kept, entirely for electoral gain.

If they intended to keep this promise, the 18-month review would have been far shorter, announced much earlier and would have come with some guarantees. But this review's results have been delayed. It was announced at the 11th hour, and there are absolutely no guarantees that the province will deliver on any of the potential recommendations, including the possibility of uploading services. Have you ever seen a group on the other side complain like the crowd across from me, on all of the downloading of previous administrations, yet for three years do nothing but blame, point fingers and hide their heads in the sand when it comes time for them to act?

In fact, this is a group who, when they sat in opposition, was proud to link themselves with the dons of the download, John Chrétien and Paul Martin, at every tea

party, barbecue and picnic they could find just for a cozy photo op. They never said a word when federal health and social transfers were virtually cut off by the federal Liberals, leaving previous administrations to come up with substantial sums of money from elsewhere. This Liberal Party, like its federal counterpart, aided and abetted the 1994 hack and slash to our health and social transfers right across Canada, including in this province of Ontario. There was not one complaint from those on the other side who watched federal health care funding drop from 50 cents on the dollar in 1993 to the Chrétien-Martin all-time low of 11 cents on the dollar, in favour of a billion-dollar sponsorship scandal right out of Montreal; no sir, not one complaint from the members opposite.

Some over there were actually the architects of the biggest downloads to the provinces in Canada's history. Did they say a word to defend our province and our municipalities? No, they supported the Chrétien-Martin balanced budgets on the backs of this province. This is a shell game. Now that there a federal Conservative government in Ottawa, they have miraculously been converted to defenders of our province and our municipalities. But we're fortunate: For all this mishandling of the municipal-provincial-federal fiscal balance by Liberals and their backroom insiders at all levels of government, there is at least a Conservative government in Ottawa and a Conservative opposition in Toronto prepared to get things done and right the Liberal wrongs of the past.

This Liberal government does not care about results. This Liberal government does not want to act, because then they won't be able to blame anyone anymore. Simply put, this is yet another broken promise waiting to happen by this tired old lazy Liberal government.

In that vein, I believe it's highly responsible for my colleague the member from Oxford to put this motion forward. He knows the provincial-municipal fiscal and service delivery review does not need to be drawn out; it should occur more expeditiously. He knows that there is a difference between saying something to get elected and being a responsible politician. He has served our province well. The member from Oxford was a successful municipal politician before he joined a Progressive Conservative government, who not only knew what a commitment was, but, just for you folks on the other side, also knew how to keep a commitment.

Yes, sir, this promise-keeper right here has decided today to hold a group of promise-breakers to account. He knows that we need a municipal-provincial fiscal balance review. He agrees with John Tory that the taxpayers and municipal councils across Ontario need this review to take place, and they need it to take place today. He knows that Ontarians deserve this review to be reported on before the next election, so results can start to happen. It is my view that only our leader, John Tory, has a fundamental grasp of what Ontario municipalities actually need.

I might add at this time that even the minister's own parliamentary assistant agrees. After all, he wasn't too



long hopping into the photo ops, endorsing Mr. Tory and his municipal policies in the 2003 municipal election campaign. But I guess, in keeping with the theme, "Do anything and say anything to get elected," it might have been the best opportunity for that assistant to get elected.

John Tory is the only party leader willing to deliver results today, not when the best photo ops—or worse, the most problematic complaints—take place. I support Mr. Hardeman's motion today because he gets it right. As the leading voice in this House on matters pertaining to municipal issues, Mr. Hardeman knows the difference between a Liberal and Conservative, and a promise and a follow-through. He knows that the Liberals are three years too late and 18 months too long on this municipal review.

Today, I'd encourage my colleagues to join Mr. Hardeman and the PC caucus and support this resolution so municipalities across our great province can deliver the best possible services, so our taxpayers receive the best possible value for money and so all of Ontario can have a timely who-does-what report that benefits us all.

**Mr. Peter Tabuns (Toronto-Danforth):** Many a fascinating speech has been delivered in this House. I don't think mine will reach quite that grade, but I hope to contribute what I can to this debate this morning.

I believe that Mr. Hardeman is correct that this process needs to be accelerated, that there is no reason to wait until after the next election to actually deliver on a promise made in 2003. I think what we have now is, really, a promise that is clinically dead. It's on life support. In the next election, it will be trundled out, pale, rouged up a bit at the cheeks, but clinically dead. This joins another of other promises that similarly are receiving oxygen on a daily basis.

*Interjection.*

**Mr. Tabuns:** Yes, they could recycle them. They will compost them when the time comes.

What do we have here? Waste diversion: another crucial area where this government promised to bring in a plan that would be functioning within five years of being elected to divert 60% of the waste in Ontario. Do we have a plan? No, we don't. We had a discussion paper in 2004 and no action. When I ask the Minister of the Environment, "Where's your plan?" I get gobbledygook, I get song and dance, I get all singing, I get all dancing, but I don't get a plan.

1030

When we talk about energy in this province—I remember in the last election there were accusations that the NDP was making it up when they said that the Liberal government—Dalton McGuinty—was going to build new nuclear reactors in this province. I was the recipient of an e-mail from political staff in the Premier's election machine assuring me, as a person in the environmental movement, that there was no plan to build any new nuclear reactors and that the commitment to phase out coal was solid. Well, did that plan, did that commitment, did that promise pan out? Absolutely not. It took questioning from us, from Howard Hampton to Dwight

Duncan, to finally get it out on the floor that in fact the coal phase-out promise was being abandoned, to get it on the floor that in fact nuclear power was going to be resurrected in this province, that we were going to put \$40 billion into it, contrary to promises that had been made and frankly reflecting a total lack of commitment to action on the environment, on energy, on the need to conserve, on the need to develop 21st century sources of energy. Nothing, nothing.

So when it comes to this promise, when it comes to any commitment to actually deal in a substantial way with the financial crisis of the cities in this province, to deal with the download, what we get is a punt, a kick of the item off the agenda until after the next election so that during the coming election it can be said, "Of course, that promise is still alive." Check the oxygen line. "Of course, it's alive and kicking." Kick the legs, make the legs move.

This is an extraordinary procedure. We know what it's costing cities in this province now to deal with this download. It's about \$3 billion a year. And there are a number of elements that make up this particular download, this imposition of an unfair burden on cities: social assistance, \$1.3 billion. Now, it's interesting that during the 1930s, when cities actually provided relief—welfare, ODSP, call it what you will—there was huge controversy about the fact that cities were stuck with the relief bill, and where a city offered even a little bit more than another, it would be flooded with people who were desperate to eat, desperate for some relief, and cities were put into an extraordinarily difficult financial position. They couldn't carry the burden. There was a huge hue and cry in the 1930s for this whole question of relief, of welfare, of support for those who were unemployed and poor to be moved to higher levels of government, because cities faced impossible burdens and impossible situations.

In fact, that was transferred, that was uploaded, and rightly so, because the property tax can't carry that kind of burden and wasn't meant to be used for income redistribution. Property taxes were meant to cover the service costs of making an urban centre work.

So what do we have now? We have a download of the costs onto all of the cities, and on top of that, the setting of the conditions left in the hands of the province. In other words, the cities pay the tab but the province determines what that tab is going to be. Not justifiable, not reasonable, not defensible, and yet, rather than deliver on a promise that was made three years ago—and this is the last quarter of 2006—the whole thing is being put off again until after the next election so that once again a promise can be recycled.

Social housing: Social housing makes a real difference in communities. In a previous career, I was a property manager managing housing co-ops. I knew a lot of kids from poor homes in those buildings I managed who now, in their 20s, 30s, are working in very responsible positions. They came from very poor households. They were able to build themselves up because they had a stable foundation.



Their parents, in many cases single mothers, had the knowledge that every month they would be in a home, that they wouldn't be evicted, because they could afford to pay their rent. They knew that they were in a place that was supportive of their families and their children, and those kids had a much better chance in school. Recently, I've been at events in my riding, seeing some of those kids who are now providing for themselves, providing for their families, who actually were able to make a go of it.

Social housing makes a difference in a society, makes a difference in a community, but this very important social function, like ODSP, the Ontario disability support program, has been moved down to the cities, and the cities cannot carry it. They cannot do what has to be done, and that results in some very negative things.

The first negative thing is that the buildings are deteriorating. I've been told that in Toronto, the value of deferred maintenance, deferred capital investment, is in the range of \$250 million. I have to say that in the last provincial by-election, when I was going door to door in my riding, I went to buildings, I went to homes that I had canvassed when I was a city councillor. I was staggered by how much those buildings had deteriorated. I was taken aback: crumbling concrete, peeling paint, flooring completely frayed and past its lifespan—all kinds of building conditions that would not have been left in that condition in the 1990s when the buildings were actually financed properly by the provincial government.

The cities—the city of Toronto and the other cities—cannot afford, on the property tax base, to continue this kind of investment, and that means a demoralization of tenants. It also means profound problems in communities, with people who may in the first place not be favourably disposed to social housing saying, "Look at this stuff. Look at this. It's crumbling. We know that if we support it, we'll get an eyesore in our neighbourhood." So people are far more resistant to any construction than they might have been in the past. That is simply wrong. That undermines the sorts of investments that we need in this society to make it safe, to make fair for all, to make sure that every kid has a fair chance to grow and develop.

We know that in this province there are many different engines of prosperity, many different centres of development and growth that have to be nurtured. Rural regions have to be nurtured. They have to be treated well. They have to get the support they need to develop, to make sure they have infrastructure, to support farmers and rural industries. But we also know that cities have to have proper supports, because when we want others to come and invest in them, when we want the people in them themselves to invest in them, they have to have some sense that there's a future. They have to have a sense that that city will be stable, will be comfortable, will be a place that they and employees will want to live in. But when you starve cities, when you impose a \$3-billion burden on them, essentially a subsidy for the province from the cities, you strangle them. You undermine one of the key pillars of prosperity and social stability in this province.

Why would you do that? It doesn't make sense, and the reality is that we don't have to wait 18 months for a study. My recollection is that David Crombie took six months to do his study. He's a smart enough guy. There are smart people in this province. They can be found. They can be employed. They can be given research staff. They can be put to work. We don't have to wait 18 months. We can move on this quickly. We can have this in place by next year so that municipalities actually get what they need. By putting it off, the government is just saying, frankly, that they are not going to live up to their promise.

I think I've made my main points. I'll leave it to others to continue.

1040

**The Deputy Speaker:** Further debate?

**Mr. Lou Rinaldi (Northumberland):** I'm going to leave some time for my colleague from Huron—Bruce to make some comments.

First of all, I want to congratulate the member from Oxford for finally seeing the light. It took eight years to destroy the relationship between municipalities and government, and now he wants to do it in six months. Where has he been for the last 10, 12 years?

We took the initiative of the 18 months. I think we need to do it right. The fact that there has been no dialogue between municipalities and the province—I guess I want to take the opportunity to remind the members opposite that we're addressing the ambulance issue, which the former government refused to look at. I was on municipal council, and they didn't even want to talk to us: "Take it the way it is." Provincial gas tax, we've moved up the ladder on that; Move Ontario for infrastructure; public health, we're uploading it from 50% to 75% by the end of next year. So we have been working with municipalities, but we want to make sure we get it right.

They engaged the services of Mr. Crombie, a fine gentleman. They had a report, yes, in six months, and what did they do with it? Absolutely nothing.

So do we want to do it right? I think we need to do it right. We talked to our municipal partners, and they are onside with us. They want to make sure that they are a part of the process, and they are going to be part of the process. It's not another hand-me-down.

Some of the things they thought were right we don't think are right. In eastern Ontario, 40% of the highways were handed from provincial to municipal, with what? With very little compensation. I was privileged to be part of the Eastern Ontario Wardens' Caucus when we tried to lobby government on the needs of those rural municipalities in eastern Ontario. Well, not once were we afforded the opportunity to meet with the government of the day. I can tell you, every time eastern Ontario wants to meet, the members of this government are listening. I know. I've been there in every meeting and so have cabinet ministers.

We want to get it right. We want to engage the municipalities, not with a hand-me-down and throw it at them,



or do nothing and take it as it goes. As much as I want to support this resolution, the hasty way this was brought out—we need to do it right. They didn't do anything for eight years. We're going to do it right.

Mr. Speaker, I'm going to leave time for my colleague from Huron-Bruce.

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** I'm pleased to join the debate this morning on my colleague from Oxford's motion, which I support wholeheartedly.

It's one of the most cynical in a series of cynical things that this government has done: Show up at AMO and announce that they're going to have an 18-month review of the funding relationship between municipalities and the province. At the ministers' forum that day—they call it a ministers' forum. I don't know why they call it that. They should have changed the name for that day, because fully 10 members of this cabinet chose not to even show up. That's how much they care about municipalities in this province. They didn't even show up at the ministers' forum—so cynical. And they talked about a new relationship with municipalities. They talked about and they promised, "No more downloading." Well, they are proceeding with the biggest downloading in this province's history in Bill 43.

I heard the member from Peterborough earlier today talking and ranting. He was shown a letter at the committee hearings in Peterborough that he wrote to a constituent looking for his help so that he could defeat Bill 43. I am looking forward to the vote on Bill 43. I expect the member for Peterborough to stand up for his constituents and vote against Bill 43, because a \$7-million buyoff of Ron Bonnett is not acceptable to farmers in this province. Farmers aren't buying it. Maybe a Liberal, Ron Bonnett, is buying it, but farmers aren't buying it in this province. This is absolutely ridiculous, a \$7-million buyout of Ron Bonnett for his support on Bill 43.

They're playing politics with this issue. They're putting it under the rug for 18 months. They know this could be dealt with much, much sooner. My colleague says 120 days. That is more than sufficient. What issues this government doesn't like, they want to put under the rug for the next 18 months and put them past the next provincial election.

You know what? People out there don't believe a single word you say anymore. Look at your pronouncements about health. Yesterday, Mr. Speaker, they signed an agreement to bring in a private company to operate the ER in Cambridge. The Minister of Health makes it up as he goes along, but people are tired of it. They don't believe a single word anymore, and they're not going to buy this 18-month hide behind the curtain while this relationship that should be dealt with now—in fact, at the 2005 AMO conference, our leader, John Tory, called for that review to begin then, not this year. But what does this government do? Put it off for another year so they can buy time to get beyond the next election because they have not followed through on their commitments to municipalities in this province. "No more downloading,"

and they proceed with the biggest downloading in this province's history.

They have done nothing to appoint justices of the peace in this province. Municipalities are losing money from POA offences, money that would go to municipalities, because we don't have enough JPs, and the minister has done nothing. I have in my riding several qualified people who have applied to be justices of the peace, but they don't even get a hearing because this government has failed to act on law and order, it has failed to act on health, it has failed to act on education and it has failed to act on energy. It simply wants to put everything off until the election is over. Well, the people aren't buying it, ladies and gentlemen.

If you really want to stand up for the people of Ontario, we've got 120 days to say yes to a new relationship between the province of Ontario and municipalities. I say yes, it's time for you people to stand up for your constituents, not buy this stuff the Premier wants to do. Stand up for your constituents and say yes to this resolution.

**Ms. Andrea Horwath (Hamilton East):** I have to say, I've sat through this debate this morning and I'm shaking my head trying to figure out if people have no memory at all or what exactly people's recollections are in terms of their own responsibility for some of the mess the municipalities find themselves in.

Nonetheless, I thought it was important to bring to the table some comments from my own municipality. I wanted to quote from an article that was in the *Hamilton Spectator*, dated, I believe, late March or early April 2005. "Province Fiddles—We Get Burned." This is an editorial from the *Hamilton Spectator* in 2005. That's after, in 2004, my city, the city of Hamilton, begged this province to come up with a systemic change that would deal with the fiscal problems that, because of the downloading of the previous government, the city had been struggling through for years. No answers. Because of a by-election, some would say, the payoff came in 2004. In 2005, there were no answers coming. The city was nervous. There were major articles in the *Spectator* again. Eventually, the Liberal government came through with the payoff. Again this year, they came through with the payoff. But what the article says is this:

"Hamilton is frozen into a sort of fiscal limbo, unable to move ahead with its budget process, while it waits for an answer to Mayor Larry Di Ianni's request to the provincial government for \$19.5 million to cover Hamilton's extra costs of downloaded social services. Two budget meetings have been cancelled and there is the growing possibility of delayed tax bills, costing the city significant interest revenue.

"The province came through with \$19.5 million in 2004, but there's no assurance they'll repeat this year." That was last year. "The province says—local taxpayers can only take this at face value at this point—it is looking for a fairer and more sustainable way of providing assistance to municipalities for downloaded costs."

That was in April or March 2005. We in the city of Hamilton were told that the province was "looking for a



fairer and more sustainable way of providing assistance to municipalities for downloaded costs." If you were looking for it back then, how come you still have to look for it until 2008, particularly when a lot of the work has already been done by AMO, by other studies that have taken place on this very issue? It is reprehensible that this government continues to ignore the crushing pressure on municipalities in this province.

1500

The article goes on to criticize the Liberal government in their lack of a systemic answer to this problem and the uncertainty that it's causing for municipalities, and ends up by saying this. I think it reflects very clearly some of the comments of my colleague, because what he talked about is how this affects the economic stability of a community: "Hamilton's business is on hold—and potential investors are getting the wrong message about this city's economic renewal—while Queen's Park, well, fiddles. They've had more than a year since Di Ianni first presented his case, but still there is nothing. Hamilton deserves better." That was a year and a half ago, and our Hamilton Spectator was saying that there had already been a year given. The time is now, not 2008. Get to the problem.

**The Deputy Speaker:** Further debate?

**Mrs. Carol Mitchell (Huron-Bruce):** It's certainly my pleasure to rise. I will not be supporting this resolution put forward by the member from Oxford, but I do want to say that the member from Oxford and myself do share a similar background. We have both come up through the municipal ranks. I know that the member was the parliamentary assistant to the Minister of Municipal Affairs and Housing from 1995 to 1999, when the downloading happened. I know that he was a very active cheerleader as the process unfolded.

I do want to bring to the attention of the people of Ontario that when the Premier made the announcement at AMO—how was that received? He was received with a standing ovation. Our government is acknowledged for respecting municipalities. From both parties, from across the way, their demonstration of how they conducted themselves while they were in government is clear, the patterns people understand. I must say that when I hear that the raw cynicism and the absolutely critical way that one talks about municipalities is still very strong there, I know that in my riding people want us to get on with the job. They want to see collective discussion. They understand that this is complex. They understand that this will take time and they are supportive of that. The other parties are supporting that this happens, so they are supporting the government. What we talk about is time, and when we talk about the time, we know where their backgrounds come from. They are not prepared to understand or give support to the municipalities, neither party. Your history dictates what you did.

It will be a substantial review. The municipal relationships, the government—we need to work through our responsibilities. We need to take the time. How much time was given when all the downloading happened? How much consultation happened? People remember. A

number of municipal politicians are still there. A public report will be released in the spring of 2008. Despite argument from the opposition, a review of this scale and this importance cannot be done hastily. We have to allow the time for intergovernmental co-operation in this province to evolve. The McGuinty government will take the time that's needed to get this right.

We have demonstrated that we are listening and that we understand, and there has been significant movement in many things, when we talk about ambulances, about public health, and there are many other things that we can talk about. We understand; we're setting a process in place. We're giving the proper time for that analysis, and it's critical analysis. There isn't anyone here who will not say that the massive downloading that was done by the previous government has put an unsustainable pressure on the taxation of the province of Ontario.

**Mr. Hardeman:** Fix it.

**Mrs. Mitchell:** We will fix it, and you understand we'll fix it, and you support that we are beginning to fix it. But to stand up and then to talk as if people don't know where it came from—

*Interjections.*

**The Deputy Speaker:** Order.

**Mrs. Mitchell:** I'm sorry, Mr. Speaker, people remember. Unlike previous administrations, which made adversaries partners, they weren't partners; the term was used loosely. If that was a partnership, then there was none. There were lots of sayings at that time, but I think that we can just say that our government is committed to developing a very productive relationship with our Ontario municipalities, and we will continue to work towards that.

When the member from Renfrew-Nipissing-Pembroke makes the comment about cynicism, "Stand up for municipalities," we have, and we will continue to do that.

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** I'm pleased to rise today and speak in support of the resolution brought forward by my colleague the member from Oxford to expedite the provincial-municipal fiscal and service delivery review. The member from Huron-Bruce is saying, "We're doing it." Well, you've been in government for three years, you've got a planned study for after the next election, you were in municipal politics before, and I'm sure you have great insight.

*Interjection.*

**The Deputy Speaker:** Order.

**Ms. Scott:** I'm sure you already had great insight before you were elected as a member of provincial Parliament on ways that we could fix this imbalance that exists. But it's disappointing to hear that she's not going to supporting the bill.

**Mrs. Mitchell:** It's a resolution.

**Ms. Scott:** The resolution.

My colleague from Renfrew-Nipissing-Pembroke mentioned Bill 43, the Clean Water Act, which is a huge download onto municipalities and property owners—we've heard that consistently—and \$7 million is a drop in the bucket, to say it lightly. When municipalities saw that, they said, "What is the present Liberal government



doing? They said they were going to help us with this imbalance.” They’ve made all of these motions, and yet they’re downloading yet again. Two fantastic figures—

*Interjection.*

**Ms. Scott:** Actually there were no real dollar amounts. We kept asking, “Do you know how much that’s going to cost?” and the government can’t provide those details. They’re asking the municipalities to take the unassumed liability for the Clean Water Act, and it’s just absolutely not fair. It’s avoidance of a provincial responsibility.

It’s been stated by my colleague from Oxford numerous times that the cost of services and programs for municipalities is increasing at a rate that they cannot keep pace with. The municipalities desperately need to raise the funds needed. They’re left with fewer alternatives other than to raise funds through the municipal tax base.

In my riding of Haliburton–Victoria–Brock, there are painful examples of rural municipalities that need dollars for infrastructure, new water systems, roads and bridges, and they’re just burdened. Rural municipalities face a much harder struggle. I’m going to leave the MPAC system for another day, but in Haliburton county alone we saw the largest, single increase in properties than anywhere else in Ontario in the last assessments.

*Interjection.*

**Ms. Scott:** But you’ve been in government for three years. You can fix the problem. I’m just saying let’s have a little historical analysis here. I find it terrible that people in my riding, seniors especially, are finding it hard to stay in their own homes because of all these rising costs. If they had known that before, they may not even have moved up, which is a terrible thing to say, that people would not come to the riding because they can’t afford to stay in their homes in the riding of Haliburton–Victoria–Brock.

I’m saying that the gap is growing. You put 18 months to do a study. We have quotes from Roger Anderson saying, “The longer we wait, the more it will cost us in lost opportunity and investment in the core municipal responsibilities, such as transit, transportation and essential water and wastewater infrastructure.” He’s saying don’t do the 18 months—the former president of the Association of Municipalities of Ontario. My colleague from Oxford, who has done a great job as critic for municipal affairs and housing, has heard this.

*Interjections.*

**Ms. Scott:** Obviously the members on the other side are a little touchy, and this is why we’re getting this feedback.

You’ve had three years to deal with the issue of transfer payments. You’ve chosen to partake in yet another report, putting off your responsibilities. That seems to be routine: Broken promise, broken promise; say anything to get elected. “We’ll wait till after the next election before we do anything decisive.” We’ve seen increased indecisiveness.

**Mr. Dave Levac (Brant):** Make your speaking notes sound like you actually believe them, will you?

**Ms. Scott:** Actually it’s not even on the notes, I hate to tell you.

I want to commend the member from Oxford. I want to encourage the members on the opposite side of the Legislature to reconsider their opposition to this resolution this morning.

**The Deputy Speaker:** Mr. Hardman, you have two minutes to respond.

**Mr. Hardeman:** I want to thank the members from Nepean–Carleton, Toronto–Danforth, Northumberland, Renfrew–Nipissing–Pembroke, Hamilton East, Huron–Bruce and Peterborough for their time and their contributions.

From all of those who spoke, including the government side, it becomes quite clear that the promise of an 18-month review is an election issue. In fact, they want to put off the decision until after the next provincial election.

1100

I know the government side suggests that that’s not the case, but I go to the comments of the member from Peterborough in particular, when he talked about the things that they were already doing. It would seem to me that if the things they were already doing were, in their minds, solving the problem of the fiscal imbalance between the municipalities and the province, if that’s the case, then they must know what the problem is. All they need to do is solve the problem, and they don’t need an 18-month review to do that. They just need to talk to the municipalities and decide what needs to be done, whether the service should be transferred or whether the money should be transferred from the province to the municipalities in order to deliver that service.

He spoke about how the government was already doing it with what they called their municipal partnership fund. In fact, that was called the community reinvestment fund before they decided they had to liberalize it and call it something different. When I say “liberalize” it, what they really did was reduce the amount of money in it, and they’ve reduced it each year; in fact, they have projected to reduce it down to zero. So I don’t think that that is really solving the problem. What we really need to do is get together with municipalities and expediently decide what needs to be done in order to fix the fiscal imbalance between the provincial revenues and the provincial services that municipalities provide on behalf of the province.

I want to say to the member from Huron–Bruce, yes, I was involved with the first Who Does What panel, and I proudly stand here and say that what we did needed doing.

## RESTORE THE DEED ACT, 2006

### LOI DE 2006

### SUR LE RÉTABLISSEMENT DES TITRES

Mr. Tascona moved second reading of the following bill:

Bill 136, An Act to amend the Land Titles Act / Loi modifiant la Loi sur l’enregistrement des droits immobiliers.



**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Tascona, pursuant to standing order 96, you have up to 10 minutes.

*Applause.*

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to rise to the applause of the government whip. I believe that this issue which is in front of us today is a very serious issue, because we have a problem in this province with respect to identity theft, which has to be addressed by this government. I believe that this bill that I have put together, with a lot consultation from the people who are in the know, is an important step forward to bring back integrity into the registry system.

There are a number of aspects of the bill that I think are important. First of all, innocent people who own property—whether they live in that actual property, whether it's a cottage that they own, whether it's a house that they rent—have the right to continue to be the owners of that property, and it shouldn't be taken away from them through identity theft, through the different means that can be done. The simplest means is by fraudulent identity, by forged powers of attorney, taking away title from individuals. We've had some high-profile cases, unfortunately, here in the city of Toronto: Ms. Shepherd, Ms. Lawrence and Mr. Reviczky have faced very difficult circumstances, with their title being affected and mortgages being put on their property, unbeknownst to them.

What I think is important about this bill, and what I would urge the government to look at seriously, is that identity theft, any transaction that results in the fraudulent change of title ownership, is null and void. If there's an innocent purchaser, then that innocent purchaser should go to the land titles assurance fund for relief.

Also, dealing with innocent lenders, we believe, in this bill, the appropriate way to deal with this is to reform the land titles assurance fund where there's an innocent lender in a situation where they've put a fraudulent mortgage on, and the problem is, in this province—and everybody should know that—a fraudulent mortgage, however obtained, if it's registered through the registry system, land titles system, is legitimate, even if it's fraudulently obtained. That's what the problem is. That was a Court of Appeal decision that was finally rendered in November 2005, and it has changed fundamentally how real estate is done in this province. That decision originally came down in 2004. The unfortunate part of it is, the government has not done anything with respect to identity theft and mortgage fraud since the rendering of that particular decision back in 2004. So we're almost three years from that date and nothing has been done by the government. That's why this bill is important to get this process rolling, and that's why it's important that this bill receives second reading today and passage.

Looking at the bill in terms of fraudulent mortgage transactions, the land titles assurance fund, as it is currently constituted, is a fund of last resort. It's a government fund, but it requires the harmed party to go after

the fraudulent character who has brought about this transaction, who could be fictitious, because a lot of it is done through fraudulent identity. So they could be chasing someone they will never get. The court system is time-consuming. It's also expensive.

What we're looking at is the system that's in New Brunswick, where this is a fund of first resort, so the innocent party or the innocent lender immediately goes to the fund, instead of the situation which is facing Ms. Lawrence. She finds that there's a mortgage slapped on her property title and she's faced with payments with respect to a fraudulent mortgage obtained, but unfortunately on title. Obviously, the party that has loaned the money believes they're entitled to that money. We have to change that so people aren't faced with a situation where they can be pushed out of their house because of a fraudulent mortgage where it's sought to be enforced by the innocent lender.

Unfortunately, the law—and I don't agree that's the right law in this province—is that a fraudulent mortgage, however obtained, if it's registered, is valid. We have to change that; we have to make sure that it doesn't continue.

Secondly, we have to maintain the integrity of the land titles system, and the one way to do it is to restrict access to Teranet and restrict access to who can register documents manually in the land titles system. I believe that process should be restricted to licensed real estate professionals with liability insurance to make sure that people are protected from anyone being able to register. From my understanding, if you get on the Teranet system as a licence holder, and you can do that simply by having a fraudulent automobile insurance licence, then that would allow you, whether you've got expertise or not—or if you're a huckster, what you do is you get on the system, you get licensed. That licensing allows you to register documents. That's a major problem for someone who is involved in fraudulent activity. So that document, if it gets registered, as we know, is valid because it's registered. We have to not allow those people to get access, to be licence holders in the Teranet system.

What we also have to implement is a notification system, which they have in Saskatchewan, where if someone is fooling around with your title, then you're going to get alerted to that, and if you have e-mail it would be almost instantaneously. The system has worked in Saskatchewan with respect to bringing notice to people where their title is being scoped and there is activity with respect to their title.

Finally, we have to also look at a PIN system, where you will not be able to process a transaction with respect to either a transfer or a mortgage without the title holder's consent and without obtaining their PIN system. That's another safeguard with respect to the integrity of the land titles system. I believe that's something that is important. Obviously, we have the technology to do that in this province.

The third major change has to do with the land titles assurance fund, which I commented on earlier. It has to



be a fund of first resort, as it is in the province of New Brunswick, to make sure that we use it in a process such that we can get speedy remedial relief for the people who need it, and that the land titles assurance fund not be run by the director of titles but run by an independent board of representatives from the industry and consumers' groups and police groups so that we have a good understanding of what's happening out there with respect to theft, but we also have a process that will ensure speedier relief and a process that will ensure speedier relief and a process that will ensure that government red tape doesn't bog down the relief that people are entitled to.

1110

Another area of the bill that obviously is important, because of what happened to Mr. Reviczky and I believe Ms. Shepherd, is fraudulent power of attorney. People are saying that relatives of these individuals are coming in with fraudulent power of attorney to transfer the title and are also going forth with mortgage transactions. The Powers of Attorney Act has to be changed to what it's like in Alberta. In Alberta, they have a process where there's an affidavit requirement with respect to people who are swearing the power of attorney, as opposed to the kit that anyone can obtain right now, where they scribble and it's not really legitimate in terms of the power of attorney. So we need a process that will make sure that the power of attorney is not only legible in terms of who's signing it, but also that we have independent evidence with respect to the legitimacy of the power of attorney, just because of those two high-profile cases where people have been able to pose as next of kin and use fraudulent power of attorney to get title.

This is a serious problem. Obviously, the federal government needs to look at this also to make this a specific offence with minimum sentences, because it's important. I also would urge that the provincial government, through the OPP, set up a task force to deal with this type of transaction. It's a serious situation that has to be addressed in a very serious manner, because it's not going away. This court decision is the law in the province. The people need the protection now. There are situations where this is happening; I'm not going to mention them. There's a high-profile case in my riding right now involving alleged mortgage fraud, and it has to be addressed. But the law society knows. They have a backlog with respect to lawyers who are involved in these types of transactions that they're dealing with now. So it's a very serious problem, and I encourage debate on this bill.

**The Deputy Speaker:** Further debate?

**Mr. Peter Kormos (Niagara Centre):** I'm pleased to speak to the bill. New Democrats indicate very clearly that we support this bill in principle. I think it's important that it be passed today so that it can go to committee. I commend the sponsor of the bill for putting it forward in as timely a manner as possible, to wit, at the first possible opportunity, as compared to the government, the minister of whom I'm very fond and for whom I have high regard, but who prefers press conferences and announcements of announcements rather than coming up with the goods.

Indeed, I want to state clearly now that should this bill pass today, or should this government perhaps somewhat predictably not allow it to be put to committee for full and thorough and broad-based hearings and consultation, then the government bill, whenever it may arrive, should be put to committee after first reading.

There is an incredibly great deal of expertise out there around this whole area. Lord knows there's a whole lot of experience, because we've met some of the very innocent victims and the incredibly tragic consequences of land titles fraud. But there are solutions out there that people with this expertise are prepared to offer up. I've spoken with some of those same people. Some of them are lawyers. Not one of them has received a call from the government. These are some of the people who as lawyers have been intimately involved in some of the litigation and some of the in-depth research and thought that goes into preparing for that litigation.

First, let's deal with the assurance fund. It is imperative—and in this respect we agree entirely with the proposal put forward in the bill today—that the assurance fund be a fund of first resort. Look, let's understand what's going on here. The state, for any number of good reasons, including the protection of people's property rights and the insurance of a system whereby there can be a market in these properties, establishes a land title system. Indeed, the abandonment, if you will, of the land registry system and the unification of land registry in the province of Ontario under land titles, is designed to create a stable, transparent—I say “transparent,” and I hope I'll have time to get to that in a few moments—system that one can rely upon to safeguard their interests in land as property owners.

Remember Duddy Kravitz in Mordecai Richler's book? He's talking to his grandfather, his dedo, and the old man tells him, “A man without land is nobody.” Do you remember that? The old dedo, the refugee from the pogroms of eastern Europe, who knew what it meant to be a mere serf and not to have title to even the smallest bit of land.

The land title system is the state's guarantee to the community, to the residents of this province, that their interest in land will be assured, protected and guaranteed. That means, in my view, that when the system fails, the state has a responsibility to ensure that those who have been failed and who suffer losses, be compensated. It's a pretty simple proposition.

What I would like to see legislation contain, as well, is a subrogation of those rights of the person defrauded to the land assurance fund, so that the land assurance fund can then actively pursue the fraud artists, if indeed they can be found, or the persons responsible and liable. Because the liability, in my view, should extend beyond the mere scam artists, the mere grifters who perform this type of crime.

It is inevitable that from time to time lawyers—either incompetent lawyers, careless lawyers or outright criminal lawyers—are going to be complicitous. It's my view that lawyers, even when they display carelessness, have



to accept some of the responsibility for a fraud, once that fraud has taken place.

I have the Toronto Star article that was indirectly referred to by Mr. Tascona—a lawyer charged—and of course that means nothing, because it's merely a charge. But it raises the prospect that lawyers, either through outright criminal intent or through, as I say, carelessness and incompetence, could be parties to be this.

Let's understand. You cut the government some slack, Mr. Tascona, that I'm not prepared to. I find you today far more generous to this Liberal government than I am prepared to be, because you somehow suggest that it was only Justice Herman's ruling in 2004 that should have rung the alarm bells. And let's be fair: The appeal wasn't heard until the spring of 2005, and then judgment rendered in the fall of 2005. Surely that Court of Appeal ruling—because the Court of Appeal ruling in my submission to you, Speaker, merely and quite simply pointed out a conflict in two sections of the existing Land Titles Act. One is subsection 78(4) and the other is section 155. While some have decried the ruling as somehow being nonsensical, I think the ruling is quite sound. You will notice nobody appealed it. The ruling is quite sound.

One of the interesting observations made by Justice Armstrong was that, notwithstanding the theoretical basis of our land title system, and that is the three principles—the mirror principle, the insurance principle and the curtain principle—it's the language in the act that determines what's valid and what's not.

Why I'm not prepared to be as generous as you are, Mr. Tascona, is because this doesn't date back to the litigation that commenced and upon which there was a motions court ruling in 2004. In the Court of Appeal's own judgment, it makes reference to the ruling by the Court of Appeal in R.A. & J. Family Investment Corp. and Orzech in 1999, wherein there was a discussion about the conflict between 78(4) and section 155. The concern about the language in the act and the impact it has on legitimate property owners, and how a fraudulent, subsequently registered document can infect, indeed undermine, that ownership—the alarm bells were going off back in 1999 in the Ontario Court of Appeal.

1120

So indeed this isn't a modest delinquency on the part of the government. The McGuinty Liberals have been downright negligent in failing to address and respond to the issue, and remain so, because, quite frankly, it doesn't take a whole lot, in my submission to you, to correct the conflict between 155 and 78(4). Section 155: "Subject to the provisions of this act, with respect to registered dispositions ... that, if unregistered, would be fraudulent and void...." It seems to me that merely amending the act and eliminating "Subject to the provisions of this act," because of 78(4), which the courts say validates a document that would otherwise be a nullity pursuant to section 155. It seems to me that correcting the language to respond to the Court of Appeal ruling in Household Realty is not in and of itself a cumbersome or complex task.

But there's something far more fundamental here. With respect, I disagree with you, Mr. Tascona. Enhancing the penalties under the provincial statute is not going to deter fraud artists from committing fraud, with respect.

*Interjection.*

**Mr. Kormos:** We have a Criminal Code. The Criminal Code has serious consequences for people who commit fraud. The problem, though, is that people who commit fraud, especially this type of fraud, tend to be pretty sophisticated, pretty slippery types. They don't leave calling cards behind. They don't leave a resumé with the address and phone number of their next of kin on the doorstep of the person who's been the victim of their fraud. It's the very nature of the beast. They're hard to find; they're hard to detect. That's what victims of fraud have discovered when they've tried to pursue them in the civil courts, which is the current prerequisite before you can access the assurance fund.

I submit that there has to be some serious consideration to whether or not the real weakness in the system is in fact electronic registration. I put to you—and I come from that old school where, as an articling student, perhaps like Mr. Tascona, I attended at a land registry office and tendered documents, and the clerks in the land registry office, public sector workers, knew who the lawyers were; they knew who the law students were; they knew who the land titles searchers were. If there was a forged signature of a lawyer commissioning a document, they knew it was a forgery. I submit to you, there has to be a thorough investigation of the structure of the land titles system, not just of the legislation. I'm convinced that there's an inherent weakness, an inherent vulnerability in the integrity of the system, with electronic registration.

I agree that at first blush it seemed like the way to go. But its frailties, its weaknesses, have been revealed, I put to you, by virtue of the outstanding work by journalists, people like Levy with the Toronto Star, who have done exhaustive exposés of how this fraud is committed. I think there has to be a focus on ensuring that we have land titles offices adequately staffed with adequately trained staff, with adequately experienced staff who physically manage the flow in and out of hard documents.

I want to express gratitude to a dear and long-time friend, John Stephens. He's a lawyer here in the city of Toronto. He wrote me with respect to this issue, and I hope he doesn't mind me referring to this. He says: "A very long time ago when electronic legislation was being instituted, we discussed the topic and I mentioned that some day someone would sell the First Canadian Place in New York by simply pushing a few buttons." Now John is a very astute and experienced lawyer, and appreciates that there is now a bit of hyperbole here, but how many more weaknesses do we have to witness in high-priced computer programs or, dare I mention, the integrated justice system? Do folks remember that boondoggle and the inherent flaws in that? Mr. Stevens's observations are not quite as extreme as they would appear upon first reading them.



I think there has to be a broader debate than just the appropriate and necessary amendments to the Land Titles Act to address the conflict between section 155 and subsection 78(4). There has to be the adoption of the principle that the assurance fund is the remedy of first resort for victims. That fund should also have the entitlement to pursue, by any means it can, collection of those funds that were paid out on behalf of a victim from perpetrators of the fraud. I think there has to be a very active role on the part of the law society in terms of ensuring that lawyers are held to high standards in terms of how they commission and notarize documents, in terms of how they prepare documents, and addressing the tendency of so many lawyers to let law clerks, legal assistants and title searchers do the heavy lifting when it comes to a real estate transaction, notwithstanding that some of those same lawyers do the heavy charging when it comes to sending out an invoice or an account.

I say to the government, this has got to go to committee. One of the solutions is ensuring that our land titles offices are fully staffed with experienced, trained people. These are the people who are going to monitor and detect fraudulent documents, including forged documents. These are the strongest safeguard we could ever develop for ensuring and maintaining the integrity of a land title system which has fallen into disrepute.

**Mr. Vic Dhillon (Brampton West–Mississauga):** It's a pleasure to speak on Bill 136, an Act to amend the Land Titles Act. I want to start by saying I'll be sharing my time with the member from Davenport.

First of all, I have to commend Minister Gerry Phillips and his former parliamentary assistant, my predecessor Mrs. Liz Sandals, for the fine work that they have done. I know that the people in my riding of Brampton West–Mississauga, and all the people in the province, for that matter, work hard to make a house into a home, which usually is their only real asset. At the minimum, they deserve to know that their property is safe.

First of all, I want to tell you what our government has done so far to protect people's investments. Since the spring, our government has brought together police, financial institutions, lawyers, surveyors and real estate professionals to develop tactics to combat real estate fraud. We initiated a program through the Ministry of Transportation to make drivers' licences more secure and much more difficult to counterfeit.

Currently, homeowners in Ontario enjoy considerable protection from real estate fraud. The electronic land registration system enhanced the security of land registry by imposing increased identification requirements. The land titles assurance fund was created to compensate consumers for errors in the system and fraud, which raises some questions, and I have some concerns about the bill that has been introduced by the member from Barrie–Simcoe–Bradford.

If the fund were changed to a fund of first resort, significant investigatory and legal resources would be required in order to pursue any person responsible for the fraud. The onus of litigation and resolution falls on the

fund, meaning that the public pays. Our government will be proposing our own amendments to the ministry's land statutes to address fraud very soon. Our proposed legislation will ensure that ownership of a property cannot be lost as a result of the registration of a falsified mortgage, fraudulent sale or a counterfeit power of attorney. Instead, an innocent homeowner's title will be restored to them and the fraudulent document will be nullified. We will raise existing fines for real estate fraud-related offences from \$1,000 to \$50,000.

**1130**

I can assure you that we will continue to build on these proposals, because even one case of fraud is too many. While the government has brought forward many initiatives and implemented new strategies in the area, the federal government also has a role to play. We will work with the federal government to seek amendments to the Criminal Code to make real estate fraud a separate offence and to establish a national database of real estate fraud cases to properly combat the cross-border element of this crime.

In closing, Bill 136 contains a number of elements that Mr. Phillips has already announced and will be included in our legislation that will be introduced shortly. The real estate fraud working group created by our government has been discussing all other key issues mentioned in Bill 136, such as access to the land registry system, notices, the land titles assurance fund and the power of attorney with the real estate fraud working group.

I look forward to the continuing debate. Now I'm going to pass on the debate to my colleague Mr. Ruprecht from Davenport.

**The Deputy Speaker:** Further debate? The member for Whitby–Ajax.

**Mrs. Christine Elliott (Whitby–Ajax):** I'm very pleased to be able to join this debate on the bill to amend the Land Titles Act, known as the Restore the Deed Act. My colleague the member from Barrie–Simcoe–Bradford is to be commended for bringing forward this bill to deal with one of the most important consumer issues facing Ontarians today. While this Liberal government is telling us that they are committed to dealing with the issues of title theft and mortgage fraud, all that we've heard to date are statements and announcements with no substance. The commencement of this session of the Legislature was heralded with the announcement that the government was going to deal with the very important consumer issue of the expiry date of gift cards. I can tell you, I have not heard one single complaint about gift cards and their attendant problems in my riding office, but everywhere I go in my community of Whitby–Ajax and around this province, people are really concerned with the issues that are dealt with in this bill. This is an issue that affects consumers in a very fundamental way in the province of Ontario, and we in the Progressive Conservative Party are prepared to deal with it immediately, rather than making an announcement about intending to deal with it and then focusing on electioneering.

The principle of home ownership and property ownership is fundamental in our society. The most significant



asset that most people will ever have in their lives is ownership of their home and property. They rely on the integrity of the land registration system in Ontario to protect their title, and rightfully so. The land title system of registration was originally brought to Ontario to replace the older registry system, which was simply a register of documents. The registry system simply received the documents but did not guarantee title. The land title system provided a guaranteed system of land registration, such that in the province of Ontario we're in the process of converting all of the old registry properties into the land title system for this reason.

If we have such a foolproof system of land registration in Ontario, why are property owners like Susan Lawrence, Elizabeth Shepherd and Paul Reviczky losing their interest in their properties? The answer, of course, is fraud. There are fraud artists out in all of our communities across this province who are determined to steal properties away from their legitimate registered owners—owners like Susan Lawrence, who lost the title to her 100-year-old Victorian home of 30 years and who now is being forced to go to court to defend her title; owners like Elizabeth Shepherd, who lost her Leslieville home after tenants took her title; and owners like Paul Reviczky, an 89-year-old man who rented his North York bungalow to fraud artists who then used a fraudulent power of attorney to take away title to his property.

How can this be happening in Ontario? There are several significant reasons. First of all, there is the growing sophistication of identity theft. Fraudulent identification is more easily available and much more difficult to detect. The second reason is that access to property records is easily obtained. While we've always had an open system of land registration in the province of Ontario, the introduction of the Teranet system of open, electronic registration in the late 1990s has opened up the system even more and has allowed fraud artists to get into the system and to wreak the havoc they are doing in our system. While we endorse the principle that registrations of titles should be open and accessible, we also recognize there is a need that registrations of titles should and need to be protected.

A report entitled *Mortgage Fraud*, March 24, 2005, prepared by the Law Society of Upper Canada, states that the problems have arisen in part from the anonymization and depersonalization of the process for buying a house. This includes access to lenders without the requirement of meeting anyone in person or having an established business relationship, the electronic transfer of funds and title documents, and appraisals of properties based on abstract computer models.

I should say that the Law Society of Upper Canada has been extremely proactive in dealing with this issue and has several lawyers who have been working with law enforcement agencies, title insurance and mortgage lenders for a number of years now. Some of the results of their work have been very helpful in terms of proceeding with this process.

But now, faced with these significant problems, what can the Restore the Deed Act do?

First of all, the act will ensure that the rightful owners of the property retain their ownership regardless of the fraud. In situations where there is an innocent purchaser or innocent lender, they will be able to seek compensation from the land titles assurance fund.

Secondly, the act will further limit the categories of persons or organizations entitled to register documents under the land titles system. There will also be a requirement that the existing landowner be notified of any dealings with the property, and establishing a system of "no dealings," whereby property owners can mark their title, which can only be removed by them using a PIN, or personal identification number, before the property can be sold or mortgaged.

Access to the land titles assurance fund will become a first-resort rather than a last-resort measure. This will become a significant advantage to landowners because they will no longer be required to resort to the courts before they apply to the fund. There are obvious legal and financial benefits accruing to this change.

Finally, the bill provides that any landowners affected by fraud prior to the passage of the bill will also be entitled to apply for compensation under the land titles assurance fund.

In conclusion, it is time that property owners in Ontario be given the protection they deserve and expect from their government. We are prepared to vigorously defend their rights, and my colleague the member from Barrie-Simcoe-Bradford has prepared, with the assistance of knowledgeable and experienced real estate counsel, a substantive and comprehensive bill to deal with these significant issues. I urge all of the members of this Legislature to support this bill, and thank you for your consideration of these comments.

**Mr. Tony Ruprecht (Davenport):** Let me say at the outset that I will be supporting Bill 136, An Act to amend the Land Titles Act. The purpose of it is to curb the growing problem of title theft and mortgage fraud. The reason I will support this bill is because I think any discussion that will educate the public to the idea of identity theft is very important indeed. I urge all of us to speak to as many people as we can about identity theft in our own ridings, because there is apparently, as the RCMP tells us, an overwhelming desire by thousands of people on the Internet to defraud consumers.

The problem here, however, is that Mr. Tascona knows Minister Phillips is in the process of preparing a government bill to combat real estate fraud. In fact, he says quite unabashedly—that's the word from the *Toronto Star*, I think—that he's drafting this bill in a bid to prod the government to take action, which is fine, which is okay. We're here for that purpose, in fact: to try to protect consumers.

**1140**

Let me simply begin by saying that yes, it is clear that dishonest operators found loopholes in the land registry system. But as you know, not only are there loopholes in the land registry system, there are loopholes in terms of identity theft in a lot of other places. In fact, I would say



that there are not just a number of loopholes, there are a number of holes in the dike of consumer protection.

The whole area of identity theft must be looked at with much greater caution, and with the idea of protecting the consumer. After all, identity theft is the fastest-growing crime in North America. Many of us too have been subjected to identity theft. I give you one example. I have a bill here from MBNA Canada. It says that I have a credit card. I never activated this credit card, I don't know anything about the credit card, and yet there's a bill here addressed to me that I owe \$866.10 for items I was supposed to have purchased—clothing and a computer—in Texas. Of course, if this happens to me, it must happen to many other people. In fact, we do know by reading in the paper on a daily basis that identity theft is indeed growing. The RCMP tells us that it is the largest-growing crime in our country.

It is clear that if there is a loophole or a hole in this dike of consumer protection, and we certainly have proof on our—by the way, let me just give you one more example of consumer fraud and identify theft. Right here, I have another letter from RBC and indeed another one from the Bank of Montreal. The Royal Bank says here:

"Dear ... Customer,

"In order to maintain the safety and integrity of our RBC Financial Group, we have issued the following warning. It came to our attention that your account may be suspected of fraud. We ask our users with exposed accounts to confirm their identity with RBC every once in a while, in order to upkeep the safety of our environment."

I am not therefore surprised that people have the idea that, in terms of safety and in terms of protection of our identity, our system is really not good enough; it is failing us. In fact, if we look south to the United States and New York, we have Senator Schumer. Senator Schumer says, "Our system of protecting people's identity is virtually nonexistent in this country." I'm therefore not surprised that we have identities stolen, that last year alone over 10 million consumers in North America had their identity stolen. This would involve billions of dollars; the estimate here is that it would involve \$5 billion last year alone. These are big sums of money.

Consequently, I've talked to the RCMP about this, and they're telling me that as we speak now there are between 2,000 and 3,000 people—that's the estimate—looking at the computer right now, on the Internet, looking to steal our identity for illegitimate purposes. But it gets worse: In Canada alone, there are six identified Internet sites where thieves are swapping and buying personal information—yours and mine. They're swapping social insurance numbers, they're swapping names, they're swapping addresses, they're swapping credit card information—and they are buying and selling it as well—on six identified Internet sites in Canada alone.

To put our finger in this dike is not good enough. We have to act and we have to ensure consumers in Canada that their identities are protected. That's why we as a government keep saying that if your identity has been

compromised, if your identity has been stolen, it's up to consumer credit bureaus or to whoever keeps your identity safe, supposedly safe, to inform you, just like RBC and the Bank of Montreal have informed me. It must be up to them by law to inform you so you can protect yourself better.

The problem is that Ann Cavoukian, our Privacy Commissioner, is actually saying—guess what? I didn't know this before and I'm sure that some of you may not know this either—that out of 10 consumer fraud cases in terms of stealing your identity, seven you could have done nothing about. Our message, of course, to our residents has to be: Protect your identity, whether it's a social security number or whether it is your credit card number or your address and your birth date. Protect that. Now Ann Cavoukian is saying to us that seven out of 10 have nothing to do with me, and I could have done absolutely zilch to protect my identity, because it came and it was stolen through consumer credit bureaus and the banking sector, and that was done through unscrupulous persons who are working in that sector—seven out of 10. I certainly want to make sure that my identity is protected.

Let's just get back to Bill 136, with a few items that might be improved and that we have a problem with on this side of government.

First, there's section 2.1, limited access to the land registration system. The bill proposes to limit access for the purpose of registration to certain classes of people such as lawyers, real estate brokers etc. It does not include individuals and parties that are legitimately involved in real estate transactions who are currently allowed to register, such as document preparation companies and title insurance companies, among others. This may create issues for numerous companies such as law firms who do much of the land registry work.

Second, on Bill 136, notifications, section 2.2: When the land registrar registers most documents—that is, transfer of mortgage, discharge of mortgage—he or she must send notification to the former registered owner in the case of a transfer, and the current registered owner in the case of a new mortgage. Problem: The mechanism for notification is not provided for. Discharges of mortgages are not addressed.

Third problem: a registrar's power, section 2.3 in Bill 136. This section provides the registrar with the power to balance and to place caution on title or to refuse to register a document. That's section 2.3. Similar measures already exist in the Land Titles Act and do not have to be addressed here. Problem: How would this section work in an electronic system? Most registrations are now received electronically. Land registrars do not see documents prior to receipt in an electronic system and, as a result, have no ability to refuse their receipt.

Fourth, personal identification numbers in Bill 136, section 2.4: The bill provides for personal identification numbers to be provided to the registered owners and registered mortgagees and also provides the land registrar with the power to require use of PINs if such use may



prevent fraud. The intent appears to be that the owner would have to provide the PIN to the registrar in order for a transaction to occur. Problem: It is unclear what is being proposed in Bill 136. Does each person get a PIN for each parcel of land they own, or does each person get a PIN that is attached to all the parcels of land that she owns?

So there are more problems here, but I'm sure that Mr. Tascona will address them when he speaks to this bill. I thank you very much for listening to this point.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I'm pleased to join in the support of the Restore the Deed Act that my colleague from Barrie–Simcoe–Bradford has brought forward, and forward-thinking legislation. I think it's good for most Ontarians. There's been some healthy debate here this morning to understand the dynamics of this bill and why this bill needs to be brought forward and why it needs to be brought forward now and not waiting for the government to just keep doing press conferences and no action.

1150

I think most of us can understand the excitement of going and picking up the keys for that first home that you've bought and the importance of owning a piece of property, as the member from Niagara Centre has said. They work hard, they save the best ways they can, and they make sure their mortgage, home insurance and taxes are all paid up. They are responsible citizens. Some even go so far as to further invest in properties and cottages, hopefully in my riding of Haliburton–Victoria–Brock. But that's why this legislation is so important. My colleague from Barrie–Simcoe–Bradford brought forward legislation that goes to the very heart of what we representatives need to do. We need to provide the type of protection that keeps Ontarians safe from crime, from fraud, from criminals who don't have the desire or the interest in working for what they own.

Unfortunately, it isn't that difficult for a motivated person with poor intentions to obtain false identification. The land titles and registry system is very open and easily accessed. A few minutes of time and most people can have a look at the records of almost any property just by stopping by the land titles office. This is highly convenient and user-friendly, with good intentions, but equally so for those with not-so-good intentions.

There are reasons for this, especially in today's world of convenience and online banking and registering, which was alluded to earlier.

First, the theft process is sophisticated. There is no doubt about it.

Secondly, long ago are the days when people like my parents walked into the bank and they knew the bank manager, they knew who was involved, they knew the lawyers etc. That personal touch is moving out of institutions, and people today are looking for quick access, for convenience. They want to do their finances online, stopping at ATM machines. Institutions have responded well to these modern-day needs, but it leaves out the

face-to-face, name-and-handshake concept of only a few years ago.

Thirdly, electronic registration of land titles, mortgages, lines of credit and finances has opened up a virtual door to those who wish to hack into the system. I can't imagine what it would be like for someone who has spent years and years paying off his or her home only to be handed a notice of mortgage for hundreds of thousands of dollars one afternoon because someone so easily forged their identification and accessed their information. I know that several cases have been mentioned here today in the Legislature.

That leads me to another problem in Ontario: that the folks across the way, as I said earlier and many other members have said, have refused to address this problem. Yesterday in the House, my colleague from Nepean–Carleton stated that it took her 18 months to obtain a birth certificate for her child. This McGuinty Liberal government allowed her child to be one and a half years old before getting her the proper birth certificate, and yet, on the other hand, criminals are walking around with wallets full of false identification—easily, easily done, and we need to correct it now.

The Liberal government services minister, whom I have the utmost respect for, says, "Well, we'll take our time. Maybe in two or three weeks we'll introduce something on mortgage fraud. But in the meantime, let's do a press conference. Let's do a bunch of repeat announcements, talk about how we think it's a good idea. Let's convince people that we care." We need action. We need action now. We need to protect the innocent people in our society who open up to criminals, taking their identity, putting mortgages on their houses, taking their houses.

I know that the lawyers and the legal system, the financial institutions and the registry offices are all practising due diligence, but with modern-day technologies such as Internet banking and electronic registering, there comes a requirement for up-to-date legislation to protect consumers from those who are hacking into that system. This legislation which my colleague has brought forward provides the direction that protects those consumers, and I hope all members of the House will see fit to support this legislation and move it forward now.

**Mr. Tim Hudak (Erie–Lincoln):** I am pleased to rise to speak about the save-the-deed act, a very clever and creative name coming from my colleague from Barrie–Simcoe–Bradford, and certainly very descriptive of the terrible and real tragedy faced by far too many individuals who have had their homes taken out from beneath them through no fault of their own. After taking every precaution in all likelihood possible, they wake up one day to find out that they have had their deed registered to someone else or have to pay for a phony mortgage.

I want to commend the outstanding research and hard work that my friend from Barrie–Simcoe–Bradford has put into his bill, a powerful piece of legislation. I know Alan Silverstein as well, the renowned lawyer and consumer advocate, has given some outstanding advice to



the member in crafting his bill. I hope the research that has been done and the support from individuals like Mr. Silverstein will convince the minister and the government to cross the floor—not necessarily to bring their own bill forward, but why not actually do something that happens too rarely in this Legislature, and support Mr. Tascona's bill? If the government has some concerns about it, surely we could use committee time to amend the bill where appropriate. I know Mr. Tascona would be a very reasonable individual. I'm sure he would want to see this become law. So I hope that the Minister of Government Services will work closely with Mr. Tascona and move this through. I think it would be tremendous to see a private member's bill get to that stage, supported by all three parties in the House. I see no reason why this wouldn't be the case. I have heard no criticism of this bill from the minister. In fact, I thought he responded quite positively to it by indicating that he would look at this bill and see what he could use to combat this terrible situation.

I also wanted to commend the member from Barrie—Simcoe—Bradford on what I hope will be, either through his bill or, if the government chooses to do their own, part of a government's bill, to retroactively give access to the land titles assurance fund to those individuals who have been scammed out of ownership of their property. To date, the government's response to those particular individuals detailed in the media has been lacklustre, to say the best about their response. Their real tragedies have been largely ignored. I fear that if the government brings forward its own bill, it will not address those individuals, who truly have been impacted largely out of government inaction. It dates back to 2004, when the most recent court case came forward, which allowed a fraudulent transaction on one transfer of ownership to be recognized by the courts. So an individual would lose title to his or her home if there is an innocent purchaser involved.

So now for two years, almost—at least a year and a half—this has been the reality, but the government has been awfully slow to address this issue. In fact, the earliest government responses were tepid at best, either not recognizing the nature of this problem or a very laborious response in terms of getting legislation before the House. The government now says it will bring forward legislation this fall. I commend my colleague for putting pressure on the government to bring something forward. But given the tremendous amount of work that Mr. Tascona, the member for Barrie—Simcoe—Bradford, has put into this bill, and that he has listened to strong consumer advocates like Mr. Silverstein, among others, I say to my colleagues across the way, why not support this bill, send it to committee? I know my colleague would be more than willing to work with Minister Phillips and others interested to make the best possible bill supported by all three parties.

**The Deputy Speaker:** Mr. Tascona, you have two minutes to respond.

**Mr. Tascona:** I'm very pleased to respond. I appreciate the comments of all of my colleagues here this

morning. They recognize that this is a serious problem. I would urge the government to take a very careful look at this bill and perhaps even read it, to understand that it is much broader than what the minister is proposing and was reported in the paper. There are fundamental differences from what is being proposed in this bill, which is to make the land titles assurance fund a fund of first resort, changes to the Powers of Attorney Act, also with respect to putting in integrity and restrictions and curbing access to fraudulent activity to the registry system, which I think is very important, and to deal with making sure that fraudulent title transactions are dealt with and that the public is protected.

This is what this is all about: consumer protection. For many people, their home is their most valuable and expensive asset, something that we all work towards having. To have it taken away from them by a system that everybody relies on, that should have integrity, or to have a lien or a mortgage put against it when they have no knowledge of that, is something that people in this province need protection from. It's a serious issue; there have been some people seriously taken advantage of with respect to these types of transactions. I believe it's in the government's best interests. This bill, I think, is very comprehensive and deals with a lot of the issues that have to be taken. But it is a policy decision in terms of what has to be done, and I believe the government should be looking at it in that manner.

**The Deputy Speaker:** The time provided for private members' public business has expired.

#### PROVINCIAL-MUNICIPAL FISCAL REVIEW

**The Deputy Speaker (Mr. Bruce Crozier):** We will first deal with private member's notice of motion number 24, standing in the name of Mr. Hardeman.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

We will call in the members, and there will be a vote.

#### RESTORE THE DEED ACT, 2006

##### LOI DE 2006

#### SUR LE RÉTABLISSEMENT DES TITRES

**The Deputy Speaker (Mr. Bruce Crozier):** We will now deal with second reading of Bill 136, An Act to amend the Land Titles Act, standing in the name of Mr. Tascona.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

We'll have a vote on this as well. Call in the members. There will be a five-minute bell.

*The division bells rang from 1201 to 1206.*



## PROVINCIAL-MUNICIPAL FISCAL REVIEW

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Hardeman has moved that, in the opinion of this House, the proposed provincial-municipal fiscal and service delivery review, which will not be completed until February 2008, after the next provincial election, is needlessly drawn out and that a full review to balance the delivery of services with the ability to pay should be completed much more expeditiously, in order to avoid hitting Ontario taxpayers with unsustainable property tax hikes or significant reductions in service.

All those in favour, please stand and be recognized by the Clerk.

### Ayes

Amott, Ted	Hudak, Tim	Prue, Michael
Chudleigh, Ted	Kormos, Peter	Scott, Laurie
DiNovo, Cheri	MacLeod, Lisa	Sterling, Norman W.
Elliott, Christine	Miller, Norm	Tascona, Joseph N.
Hardeman, Ernie	Munro, Julia	Wilson, Jim
Horwath, Andrea	Ouellette, Jerry J.	

**The Deputy Speaker:** All those opposed, please stand.

### Nays

Bradley, James J.	Jeffrey, Linda	Mitchell, Carol
Brownell, Jim	Lalonde, Jean-Marc	Rinaldi, Lou
Delaney, Bob	Leal, Jeff	Ruprecht, Tony
Dhillon, Vic	Levac, Dave	Van Bommel, Maria
Hoy, Pat	McNeely, Phil	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 17; the nays are 14.

**The Deputy Speaker:** I declare the motion carried.

## RESTORE THE DEED ACT, 2006

### LOI DE 2006

## SUR LE RÉTABLISSEMENT DES TITRES

**The Deputy Speaker (Mr. Bruce Crozier):** We shall now deal with ballot item number 48, standing in the name of Mr. Tascona. We'll open the door for 30 seconds.

Mr. Tascona has moved second reading of Bill 136, An Act to amend the Land Titles Act.

All those in favour, please stand and be counted.

### Ayes

Amott, Ted	Kormos, Peter	Patten, Richard
Bradley, James J.	Lalonde, Jean-Marc	Prue, Michael
Brownell, Jim	Leal, Jeff	Ruprecht, Tony
Chudleigh, Ted	Levac, Dave	Scott, Laurie
DiNovo, Cheri	MacLeod, Lisa	Sterling, Norman W.
Elliott, Christine	McNeely, Phil	Tascona, Joseph N.
Hardeman, Ernie	Miller, Norm	Van Bommel, Maria
Horwath, Andrea	Mitchell, Carol	Wilson, Jim
Hudak, Tim	Munro, Julia	
Jeffrey, Linda	Ouellette, Jerry J.	

**The Deputy Speaker:** All those opposed, please stand and be recognized by the Clerk.

### Nays

Delaney, Bob	Hoy, Pat
Dhillon, Vic	Rinaldi, Lou

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 28; the nays are 4.

**The Deputy Speaker:** I declare the motion carried.

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** Mr. Speaker, I request that the bill be referred to the committee on general government.

**The Deputy Speaker:** Agreed? Agreed.

All matters relating to private members' public business having been dealt with, the House is adjourned until 1:30 of the clock.

*The House recessed from 1211 to 1330.*

## MEMBERS' STATEMENTS

### RIGHT TO KNOW DAY

**Ms. Lisa MacLeod (Nepean-Carleton):** It's my pleasure to address this Legislature today and acknowledge that today is a great day: It's international Right To Know Day. On September 28, 2002, freedom-of-information organizations from countries around the globe met in Sofia, Bulgaria, created a network of freedom-of-information advocates, and agreed to collaborate in the promotion of open government. How fitting, because my bosses, the fine people of Nepean-Carleton—in fact, all the taxpayers of Ontario—have a right to know the truth, the truth about the actual cost related to the trillium logo boondoggle that is happening in government services.

Ontarians have heard that the McGuinty Liberals have paid yet another Liberal-friendly ad firm, Bensimon Byrne, \$219,000 to redesign a logo that did not need a redesign. Neither the Premier nor any of his cabinet ministers have been able to answer the real questions the people of Ontario have: How much will it cost us, and why did you needlessly change a logo that has endured 40 years, seven governments and three major political parties? Surely the Premier does not think he is above Ontario's institutions.

It was Bensimon Byrne who made the 2003 election ads for the Ontario Liberal Party. You remember those ads: "I won't raise your taxes." He promised he wouldn't raise our taxes and ironically turned around and handed us the single largest tax increase in Ontario's history. This same Liberal ad firm, Bensimon Byrne, who made those Liberal ads, just happened to walk off with our tax dollars so they could unnecessarily change one of our institutions. Ontarians—

**The Speaker (Hon. Michael A. Brown):** Thank you.

**SANDBAR BUILDING IN HAMILTON**

**Ms. Judy Marsales (Hamilton West):** I rise in the House today to applaud the Attorney General, Michael Bryant, for his support of the city of Hamilton as we encourage a safer and prosperous community. On April 4 of this year, I rose in this House to thank the Attorney General for his courage and leadership in allowing the province to foreclose on the owners of a building which had a notorious reputation as a crack house and had also been the scene of two cocaine-related murders. This building, known locally as the Sandbar, at 193 King Street East, is closed, thanks to Attorney General Michael Bryant.

This morning, I had the pleasure of joining the Attorney General in Hamilton as he handed over the deed and the keys of the former Sandbar property to the city of Hamilton under the Civil Remedies Act. The Attorney General considered all options and engaged the city of Hamilton and Mr. Brian Mullan, chief of police, and the local business improvement associations to seek their ideas and preferences. The closure of this crack house was important to Hamilton because it signals the revitalization of our downtown core.

I want to commend Mayor Di Ianni, city hall, and especially the downtown renewal department for beginning this initiative and promoting Hamilton's downtown core after many years of challenge. The citizens and business people of Hamilton were victims of the unlawful activity that surrounded this horrible crack house. The Attorney General is transferring this property to the city of Hamilton to allow Hamilton to decide on the fate of this property and its future. This opportunity gives the city planners the chance—

**The Speaker (Hon. Michael A. Brown):** Thank you.

**RIGHT TO KNOW DAY**

**Mr. Tim Hudak (Erie-Lincoln):** Members well know from my colleague that today is international Right to Know Day, and today is also day 213 of the crisis in Caledonia. The people of Caledonia, Six Nations and across Ontario have a right to know what exactly is going to be the cost of Dalton McGuinty's weak leadership. Taxpayers across the province of Ontario have a right to know how much the ongoing and heavy Ontario Provincial Police presence is going to cost taxpayers. The people of Niagara, Haldimand and Hamilton have a right to know the value of the 250 acres of agricultural land already handed over as a result of the occupation. The people of Caledonia and Six Nations have a right to know why the McGuinty government is continuing to send electricity to the site of the occupation and how much that is going to cost Ontario taxpayers. The people of the area want to know why the McGuinty government continues to send water to the occupied site and how much that is going to cost local taxpayers.

The people have a right to know what direction was given by the McGuinty government to the Ontario Provincial Police in the handling of this situation. And resi-

dents of Caledonia, Six Nations and Hamilton-Niagara have a right to know exactly what they mean when they say that great progress has taken place at the table, because at day 213, that's not evident.

We have a right to know the cost of McGuinty's weak leadership.

**MANUFACTURING JOBS**

**Mr. Peter Kormos (Niagara Centre):** Manufacturing jobs are the bedrock of our economy. These are good-paying jobs that allow people to build their homes and pay for them, to raise their kids, to send their kids on to college and university, and to try to plan for a somewhat modest but decent retirement.

We have a crisis now in Dalton McGuinty's Ontario, a jobs crisis. In the course of the last two years we've lost over 118,000 manufacturing jobs. That's over 10% of the total amount of jobs. In the years to come we risk losing hundreds of thousands more. All the while, we have a Liberal government that simply stands on the sidelines doing nothing, twiddling its thumbs, and in fact, all the more significantly, aggravating this scenario by pursuing a dreadfully dangerous and job-destroying higher and higher electricity rate and privatization electricity policy.

That's why the New Democrats have proposed the establishment of a job protection commissioner, something the Liberals have shown no interest in and shown no concern for. A job protection commissioner would be there at the beginning, before the jobs are lost, to help employers, workers and communities plan when jobs are being put at risk as a result of this government's policies and to try to develop a plan to save those jobs rather than simply bidding them adieu and waving them goodbye, as Dalton McGuinty and his Minister of Economic Development do with thousands upon thousands of jobs—most recently, good Ford jobs like those down in Windsor, Ontario.

**AGRICULTURE SURVEY**

**Mrs. Carol Mitchell (Huron-Bruce):** This summer, I sent a householder to my constituents in the riding of Huron-Bruce and the focus was Ontario's agriculture sector, especially as it relates to my riding. The newsletter also contained a comprehensive questionnaire on agriculture and food. The response to this questionnaire was very strong. This will allow for a better understanding of the concerns of those both directly and indirectly affected by agricultural issues in my riding. Some of the issues raised by the questionnaire include a definition of the family farm, income management, and food quality and safety.

In addition to the survey, I held three public forums to discuss the results. Of those results, perhaps the most alarming is the large number of farmers—74%—who are over the age of 46. This could potentially lead to problems if the number of new farmers coming into the industry does not meet the rapid rate of those retiring.



An overwhelming number of people, both urban and rural, expressed that the Foodland Ontario label has a positive, reassuring meaning in their food purchasing decisions. Some 73% of the respondents also said that they would support the extension of the Foodland labelling program to red meats. The results of this survey, as well as a number of the issues addressed at the forums, were addressed in letters to the Ministers of Finance and Agriculture as well as to the Premier.

Our government recently announced \$110 million in agricultural funding for income stabilization, \$75 million for rural infrastructure, and \$7 million for the Clean Water Act: important measures the McGuinty government supports—

**The Speaker (Hon. Michael A. Brown):** Thank you.

### WASTE MANAGEMENT

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I rise today to state once again that hard-working Ontarians have the right to know if the McGuinty Liberals are going to come clean with Ontario on their mismanagement of waste. Ontarians have the right to know why you broke your promise of 60% waste diversion. Ontarians have the right to know why you said you have an amazing plan and have never presented one.

The member for London West is on record suggesting that he is surprised by the city of Toronto's purchase of the Green Lane landfill site, saying municipalities should deal with their waste at home without going elsewhere.

Minister Bentley, your constituents have the right to know that you are representing them and not simply spewing out McGuinty Liberal rhetoric. Minister Bentley, as I said to Minister Peters yesterday, if you are as driven as you claim to be in protecting your constituents, put the rhetoric aside, step away from the comforts of cabinet, stop toeing the McGuinty Liberal party line and do the job of representing your constituents.

1340

It's time the McGuinty Liberals come clean with the people of London and the surrounding communities. It's time for the Liberal members to stop saying anything to get elected. Ontarians have the right to know why true McGuinty Liberal policy is to say one thing before the election and say something completely different after the election. Despite what Minister Bentley, Minister Peters and the rest of the McGuinty Liberals feel they are entitled to, hard-working Ontarians have the right to know.

### MILK IN SCHOOLS

**Ms. Deborah Matthews (London North Centre):** The McGuinty government's active healthy schools plan encourages healthy lifestyles for our students. We've banned junk food in vending machines and we've added 20 minutes of daily physical activity in our schools. But we're not the only ones concerned about healthy kids. Yesterday, the United Nations celebrated the seventh

annual World School Milk Day, which was established to highlight the importance of milk as part of a child's diet.

Studies show that students eating a healthy lunch which includes milk products are more likely to be successful. In Ontario, schools participate in the elementary school milk program supported by the Dairy Farmers of Ontario and a team of volunteers at each school. In my riding of London North Centre, children at many elementary schools can receive fresh, cold milk every day they attend classes thanks to this program. Indeed, this province-wide school milk program delivers over 26 million cartons of milk each year, reaching over 70% of elementary schools.

Let us all take this opportunity to applaud the Dairy Farmers of Ontario and all the volunteers who support them for providing this important service to enhance the health of Ontario's elementary school children.

### AGRICULTURE 101

**Mr. John Wilkinson (Perth–Middlesex):** Effectively representing the concerns of my rural riding to my urban and suburban colleagues is one of my most important jobs here at Queen's Park. That's why on August 18, I was pleased once again to co-host with the Perth Federation of Agriculture and our new Minister of Education, Kathleen Wynne, our third annual Agriculture 101 event.

Thirteen of my urban, suburban and rural caucus colleagues from across Ontario, which included five cabinet ministers, travelled to my riding of Perth–Middlesex for the event. The purpose of this day was to give members the opportunity to experience first-hand the daily lives of my farmers. This year's Agriculture 101 offered tours of three local farms: a cow-calf operation, a beef feed lot and an organic sunflower farm. Each MPP family was partnered up for the day with a local farm family to allow one-on-one discussions throughout the day of the challenges the agriculture industry faces.

I would also like to take this opportunity today to thank Bob Martin and the executive of the Perth Federation of Agriculture, Paul Nairn of the Ontario Federation of Agriculture and Kathleen Wynne for jointly hosting this year's Ag. 101. Special thanks also go to the commodity groups who supplied all of the wonderful food; the Vorstenbosch, Haechler and Fischer host farm families; Mary McIntosh; and the many buddy farm families for their warm hospitality.

Finally, I would like to thank my colleagues, senior government staff and their families for taking time out of their busy schedules to visit my riding and get a first-hand look at the unique issues facing our rural communities. This year's event was heralded as yet another success.

### PEOPLE'S REPUBLIC OF CHINA

**Mr. Tony Ruprecht (Davenport):** In the history of mankind, an important historic event took place 57 years ago: the founding of the People's Republic of China. This Sunday, October 1, we too will have an opportunity

to celebrate this event as we raise the People's Republic of China's flag right here in front of the Legislature.

As we celebrate this historic event, we are mindful of the People's Republic of China's economic achievement. Yesterday, at a special reception given by the consulate, we had the Consul General, Chen Xiaoling, and the Deputy Consul General, Guangfeng Hao, give us some very interesting statistics about the People's Republic of China's accomplishments. They've doubled the standard of living—imagine—within 10 years, increased the educational institutions into one of the most interesting and excellent institutions. In fact, every public school is teaching English in China; our language is being taught in China by every public school. That's a tremendous achievement. Hospital care has improved by 60%, and on and on it goes.

Very briefly, we're also mindful of the tremendous economic contributions that people of Chinese background have made in Canada.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON JUSTICE POLICY

**Mr. Vic Dhillon (Brampton West—Mississauga):** I beg leave to present a report from the standing committee on justice policy and move its adoption.

**The Clerk-at-the-Table (Mr. Todd Decker):** Your committee begs to report the following bill as amended:

Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2006 / Projet de loi 14, Loi visant à promouvoir l'accès à la justice en modifiant ou abrogeant diverses lois et en édictant la Loi de 2006 sur la législation.

**The Speaker (Hon. Michael A. Brown):** Shall the report be received and adopted?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1346 to 1351.*

**The Speaker:** All those in favour will rise one at a time and be recognized by the Clerk.

#### Ayes

Arthurs, Wayne  
Balkissoon, Bas  
Bartolucci, Rick  
Bradley, James J.  
Brotten, Laurel C.  
Brownell, Jim  
Bryant, Michael  
Chambers, Mary Anne V.  
Colle, Mike  
Delaney, Bob  
Dhillon, Vic

Dombrowsky, Leona  
Fonseca, Peter  
Jeffrey, Linda  
Kular, Kuldip  
Kwinter, Monte  
Lalonde, Jean-Marc  
Levac, Dave  
Marsales, Judy  
Matthews, Deborah  
Milloy, John  
Mitchell, Carol

Peters, Steve  
Phillips, Gerry  
Pupatello, Sandra  
Rinaldi, Lou  
Ruprecht, Tony  
Smitherman, George  
Sorbara, Gregory S.  
Van Bommel, Maria  
Wilkinson, John  
Wynne, Kathleen O.  
Zimmer, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Amott, Ted  
Bisson, Gilles  
Chudleigh, Ted  
DiNovo, Cheri  
Elliott, Christine  
Hardeman, Ernie  
Horwath, Andrea

Hudak, Tim  
Jackson, Cameron  
Kormos, Peter  
MacLeod, Lisa  
Martel, Shelley  
Miller, Norm  
Munro, Julia

Prue, Michael  
Runciman, Robert W.  
Scott, Laurie  
Tabuns, Peter  
Tascona, Joseph N.  
Witmer, Elizabeth  
Yakubski, John

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 33; the nays are 21.

**The Speaker:** I declare the motion carried.

The bill is therefore ordered for third reading.

## VISITORS

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** We would be remiss if we didn't inform everyone that today is community newspaper advocacy day, and we are privileged to have representatives of our community newspapers in the gallery, who will be meeting with us after. Certainly, I want to highlight Abbas Homayed from Northern Life, who is such a proactive person in our community. Welcome.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### WOMEN'S HISTORY MONTH

**The Speaker (Hon. Michael A. Brown):** The Minister of Economic Development and Trade.

*Interjection.*

**The Speaker:** And minister responsible for women's issues.

**Hon. Sandra Pupatello (Minister of Economic Development and Trade, minister responsible for women's issues):** That's very important, because October is Women's History Month. In every community right across Ontario, we are recognizing the contribution women have made to their communities, their families and of course to our province.

This special month was first designated in 1992 by the Canadian government. Since then, it's given us a unique opportunity to show our appreciation to those women who have made a real difference. It's an opportunity to encourage a new generation of women to become leaders in their communities by recognizing the contributions of women to the history and growth of Ontario. It is an opportunity to celebrate those who have stood for women's rights and paved the way to equality.

This October, we celebrate aboriginal women and their achievements. We celebrate all of the aboriginal women of Ontario and Canada and their contributions to our society, our communities and all of our history. We



celebrate these achievements of aboriginal women in areas of culture, law, public health and social change. We celebrate women such as Pauline Johnson, the Mohawk poet and entertainer who taught us how to appreciate native culture; Marion Ironquill Meadmore, a member of the Peepeekisis reserve who became Canada's first aboriginal woman lawyer in 1977; and Jean Cuthand Goodwill, a Cree First Nation member who championed public health services for aboriginal people and helped to establish the Aboriginal Nurses Association of Canada. We also celebrate the triumphs of Jeannette Corbière Lavell, an Ojibwa woman who launched the first gender-based Supreme Court challenge in 1971, and Sandra Lovelace, a Maliseet woman whose determined appeal to the United Nations Human Rights Committee led to native women in Canada no longer losing their status under the Indian Act through marriage to a non-native man.

Women's History Month is the time to acknowledge the hard work, vision and inspiring leadership of aboriginal women such as Pauline, Marion, Jean, Jeannette and Sandra—women who have set a great example for many others to follow. We're proud of what they've accomplished.

It's important that we promote a better understanding of aboriginal women's lives and the unique challenges they face, and that we continue to provide them with the services and support that they need to succeed. We've invested \$500,000 over four years for programs in 31 aboriginal communities to prevent family violence. We've invested over \$400,000 to train aboriginal women for careers in skilled trades. We have also invested \$25 million over five years in the aboriginal healing and wellness strategy to improve the health of aboriginal people across the province.

Women's History Month is the time to applaud so many women whose leadership and success have inspired us. And we are very proud. During the month of October, I encourage each and every one of you to turn to the women close to you and say, "Thank you."

**The Speaker:** Responses?

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** Today I am pleased to speak on behalf of the Progressive Conservative caucus in recognition of Women's History Month, which of course is the entire month of October.

This month is a very important opportunity for us to learn more about women's history and our valuable contributions to Canadian society. This special month was established by the Canadian government in 1992. Each year, the month is commemorated with a different focus, and of course this year's theme is Aboriginal Women: the Journey Forward. It is a tremendous opportunity for all Canadians to increase their awareness of the contributions that aboriginal women have made both to their communities and to this country and their families: women, as we've already heard, such as Pauline Johnson, Jean Cuthand Goodwill, Jeannette Corbière Lavell, Marion Ironquill Meadmore and Sandra Lovelace. The lives and the challenges of aboriginal women, when you

read about them, are unique. It is very important that all Canadians gain a better understanding of their lives and of the challenges that they have faced.

**1400**

This year also marks a number of other significant anniversaries. It is the 25th anniversary of our country's ratification of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, more commonly described as the international bill of rights for women. By accepting the convention, our country of Canada committed to undertake a series of measures to end discrimination against women in all forms. The convention also provides the basis for realizing equality between women and men through ensuring women's equal access to and equal opportunities in political and public life, including the right to vote and to stand for elections, as well as education, health and employment.

In addition, the Royal Commission on Aboriginal Peoples was established 15 years ago, and this is also the 10th anniversary of the release of their final report entitled *People to People, Nation to Nation*. This report proposed four principles as the basis for a renewed relationship. They are recognition, respect, sharing and responsibility. I believe these are important principles for all of our relationships in life as well.

Women's History Month is a very important month. In fact, in my own community, the Canadian Federation of University Women has put together and written a book about the contributions that women have made in previous world wars, and it's going to be released. But it is an opportunity for all of us to celebrate women and the many accomplishments they have made in this country.

**Ms. Andrea Horwath (Hamilton East):** It's my pleasure to speak on behalf of New Democrats in celebrating Women's History Month, which is coming in the month of October, and equally celebrating the fact that we are rising with the women of First Nations to celebrate their accomplishments, their achievements and the lessons we can take from First Nations women, who are often at the forefront of issues of governance, particularly in First Nations where matriarchy is the way of governance in some of those communities.

I have to say it's my experience, coming from a community that has a number of urban native peoples, that they contribute a great deal to our community and to our way of thinking as we deal with some of the challenges that face not only First Nations women but First Nations youth and other people from First Nations who have significant challenges.

I can tell you that among the women who have already been mentioned by the minister and the critic from the opposition, there are others as well who not only have a place in history but have a place in current times in terms of the things we can learn from them. Particularly, I think of women from the arts, women like Daphne Odjig, who is celebrated as one of Canada's first and most celebrated native artists and who has also been considered to be the founder of the contemporary style of native arts. We



think about women like Ojibwa Elsie Knott. When the Indian Act was amended in 1952, allowing native women to run for office and vote, Elsie Knott became the first woman elected as chief.

These accomplishments are much to be celebrated, but we have to remember that, as I mentioned, First Nations women teach us lessons every day. I can recall standing in this Legislature not too long ago talking about some of the young women from First Nations from my own community who were courageous and who were taking opportunities that were being provided by a unique program in one of our high schools that was reaching out to First Nations communities, that was working with them in refamiliarizing them with their language and culture, and how this young woman who was lost in her urban environment used that program that was offered to her to reconnect to her history and to her community.

As we celebrate this auspicious month, and this month particularly focusing on the contributions of First Nations women, it's incumbent upon us to acknowledge and recognize that clan mothers have a very important voice in going forward as government in the issues that we debate and discuss on a day-to-day basis in this Legislature.

When we're dealing with any kind of law, any kind of system, any kind of program that has to do with providing service or working with and developing relationships with First Nations communities, it is really extremely important and incumbent upon us to engage those First Nations voices and engage those First Nations women. It's not good enough for us just to say we celebrate them from an academic perspective. We need to celebrate them day in and day out.

I urge all members of this Legislature, including current ministers who are dealing with various aspects of their portfolios—I think particularly about family violence, about children and youth, and I know that I'm speaking in kindred voice with these women ministers, who acknowledge and recognize that the voices of our First Nations women are so extremely important as we try to move forward and make sure that the transgressions, the problems and the lack of hearing that we have tended to have as government is broken down and is no longer the way of dealing with our First Nations people.

As we go to the future, there is so much that we not only need to give but that we need to learn from the traditions, knowledge and experience of First Nations communities, who really do see the world in a different way. I would say to you that the clan mothers and the First Nations leaders who are women really do have a unique role to play, not only in our history but truly in our future.

#### VISITORS

**The Speaker (Hon. Michael A. Brown):** I would take this opportunity—it's not only prudent but it's my pleasure to introduce in the Speaker's gallery my wife, Lynn; her mother, Nona Tracey; and from British Columbia, her aunt, Inez Gates.

#### MEMBER FOR BURLINGTON

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I believe we have unanimous consent for all parties to speak for up to five minutes to recognize the member for Burlington's departure from provincial politics.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has asked for unanimous consent for each party to have up to five minutes to speak on the imminent departure of our friend from Burlington from this place. Agreed.

**Mr. Robert W. Runciman (Leeds–Grenville):** It's my privilege to make a few comments on behalf of our leader, John Tory, and the Progressive Conservative caucus on, as you said, our good friend's departure after 22 years in this Legislative Assembly. Twenty-two years is quite a feat when you consider the average tenure in this place is about four-and-a-half years—and after the next election I don't think it's going to be changed too much.

In any event, I want to welcome Cam's family who are with us here today: Cam's terrific wife, Elaine; his daughters, Amy, Lauren and Michelle; and Cam's mother, mother-in-law, brother and sister. Welcome on this very special day. I know Cam's family have been enormously important to him over his 22 years in this assembly. I think all of us realize how important the support of spouse and family can be in terms of carrying on this job and all the challenges that go with it. If you don't have that support on the home front, it's extremely difficult, especially to carry on as effectively as Cam Jackson has for 22 years on behalf of the people of Ontario.

Cam was elected in 1985. We became good friends shortly thereafter, and we share roots in Leeds–Grenville. Cam's dad's family comes from the Gananoque area, so we share a lot of linkages with respect to that part of eastern Ontario.

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Cam has been elected six times, and several of those elections were not terribly easy for the Progressive Conservative Party, especially 1987. That was a tough year for Conservatives in the province of Ontario, but Cam was re-elected, and I think that speaks clearly about the bond of trust between Cam and Burlington voters. They support him in good times and bad.

Over his 22 years, Cam has had a huge range of responsibilities, both in government and in opposition. He is currently the critic for four ministries, and that's representative of his work ethic and tenacity.

In my view, there are a couple of areas where Cam has shone throughout his career: (1) his advocacy for victims of crime, and (2) his passion for seniors and persons with disabilities.

Some of you probably don't realize this, but Cam is the author of Ontario's Victims' Bill of Rights, and he was a key player in the creation of the victims' justice fund, which is the first in Canada. I could go on at length



about his initiatives in the area of crime victims. Just this week, he accomplished a rare feat: the passage of a private member's bill, Kevin and Jared's Law, which helps to protect Ontario's children.

On the seniors front, Cam helped launch a series of unprecedented initiatives, including the creation of the Ontario Seniors' Secretariat and Canada's first Alzheimer's strategy.

Cam is now moving into the municipal arena, and we will miss him in this place. Cam has never been a guy to easily take no for an answer and has a real skill at getting under the skin of ministers he's critiquing. I recall fondly how he used to drive Ian Scott crazy. It was great fun. His perseverance has paid off in great success.

Cam, you leave this assembly with a record of achievement that you can truly be proud of. Your colleagues in the Progressive Conservative caucus thank you for your years of service to your party and your province and wish you only the best as you enter this new phase of your life.

**Mr. Gilles Bisson (Timmins-James Bay):** I rise on behalf of New Democrats today in order to bid our farewell to Cam, knowing that it's only adieu and not goodbye, because obviously you're still going to be involved, at least for the next little while, in politics as you run for your next opportunity to serve the people whom you have served for so many years. With any luck or dis-luck, depending on what side of the fence you're on, you will be back, I'm sure, and we'll be seeing you in these halls again.

I want to say a couple of things. I first met Mr. Jackson when I was elected here in 1990, when I was on the government side. I remember working with Mr. Jackson at the time, both at the committee level and on other opportunities, and the one thing that always struck me about Cam was that he's one of these particular—

*Interjection.*

**Mr. Bisson:** I'm talking about your guy. Thank you. Man, I'm being heckled and it's his own guys.

Anyway, I would just say that I remember working with him on a number of bills, and what always struck me about Mr. Jackson was that when it came to social issues, even though he was a Conservative—and my view at the time was that Conservatives maybe weren't as interested in these issues as I was, because I considered myself fairly progressive—he was always interested when it came to making sure that those people who do without, those people who are unfortunate, have an opportunity to have the apparatus of government assist them. If it was seniors, if it was people with disabilities, if it was people who had challenges in their life, he was always there to try to at least advance their cause, and in many respects he was fairly successful.

I had the opportunity to work with Mr. Jackson when he was minister, and I've got to say, quite frankly, I had a pretty good time with Cam. I'd be able to walk into his office and probably get some of the things that members of his own caucus couldn't get, because I am privileged to serve, as is my leader, Howard Hampton, the First

Nations communities of both James Bay and north-western Ontario. There are many challenges there. One of the things I really want to say as I speak about Mr. Jackson is that he had a soft spot not only for those people that I spoke of earlier, but the people I represent and Mr. Hampton represents when it comes to First Nations.

We all know how difficult it is to find funding to assist those communities in anything, either social infrastructure or hard infrastructure. When he was Minister of Tourism, I had the privilege—I remember coming in with Chief Leo Friday of Kashechewan when he made a bid to get much-needed dollars to fix their broken-down arena. The ministry had said no and had basically taken them off the shortlist. Chief Friday came into the office, made a really good presentation, and Mr. Jackson said, "Hey, we've got to do this. This community needs that," and actually funded the project after his bureaucrats had said no.

I think that speaks volumes of ministers, because far too often, ministers of the crown listen to the bureaucracy—not to do what they've been sent here to do, but to listen to the bureaucracy. One of the things I will say about Mr. Jackson is that if you made a good argument and you were able to back it up with fact and demonstrate that it was worthy, Mr. Jackson went to bat.

I've got to say, on the projects of the people of Kashechewan, the people of Moosonee and Moccreebec, in regard to the other projects that we worked on, and of other communities in my riding such as Smooth Rock Falls and others, he was always there and willing to do what had to be done, to do what was right—not necessarily what was political, but what was right—and I think that speaks testaments.

Now, we've all received Christmas cards from Mr. Jackson, and I've got to say I used to think, "Where did you rent these people who come on your Christmas cards?" But I've known some of your family members for years, and if you have any success in politics other than your deeds, it's certainly the beautiful family you bring with you today, a wonderful family. Like me, Mr. Jackson—we share something, and that is that if we have beautiful daughters, it has nothing to do with us and everything to do with our wives. So to your wonderful spouse I say, "Congratulations. Despite your father, you guys have turned out quite well"—and I can say that about my two daughters as well.

**Mr. Rosario Marchese (Trinity-Spadina):** It's true.

**Mr. Bisson:** Now I'm being heckled by my people.

I say to Mr. Jackson, I know that you leave this place with a bit of a sad heart, because you really care about what you do here. You've always served your constituents well. Sometimes, I will say, you've not done what your party has wanted you to do, and that is something not being said here that needs to be said. Sometimes we get in a little bit of trouble for that, and Mr. Jackson has never been afraid to step out of the line of his party politics to do what he thought was right, even though it might have not been very popular within caucus at times.

So I say to Mr. Jackson, as you move on to your new life in municipal politics I know you will do well,



because are you supported by none other than the Jackson 5.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** On behalf of the government caucus, I would like to take this opportunity to wish the member for Burlington well as he, and I know those close to him who are in the gallery today, reflect upon his 21 years and several months now in the Ontario Legislature.

Making a decision to resign one's seat before a term is up is a difficult decision. It takes a lot of thought, a lot of consideration and a lot of consultation with those who are close to that person. Obviously, Mr. Jackson has made a decision which, after much consideration, he feels comfortable with, and he has the support of his family in doing so.

It's been over two decades now in the House, and that's a long period of time. There was a time many years ago when a significant number of members of this Legislature, particularly during the years of 1943 to 1985 when the Progressive Conservative Party governed Ontario for 42 straight years, served for a long period of time. In recent years that has changed, as governments have changed more often. We've had an NDP, a Liberal and a Conservative majority government in the period of time since Cam Jackson was elected, and throughout that time he has continued to be elected by the people of Burlington. As the House leader of the Conservative Party mentioned, it's really difficult when there's a tide going one way or another and you're not part of that tide. When a government, for instance, is being defeated—your own government—hanging on takes long fingernails to make sure that you're hanging on, or when there's a sweep going in another direction. So the political skills that an individual has are certainly honed during those years. The fact that you are successful in elections that aren't easy reflects on the fact that you know how to campaign extremely well, and that within your own community you have worked hard to gather the kind of support you need when that tide is going in the opposite direction. For all members who have gone through that, who are here longer than perhaps the norm, that is—not that Norm there—something that one can be justifiably proud of.

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As well, it's clear that the kind of vigorous campaign that one undertakes at a time when things are discouraging really makes a difference as well. When the tide isn't there, you work even harder. You do everything that you have to do to accentuate the positive about yourself, which is part of what a politician does during those campaigns. Cam Jackson has certainly done that and his skills politically have served him well in this House, in committees and in the constituency. Whether as a cabinet minister or an opposition critic, Cam Jackson, the member for Burlington, has been determined to make his mark in this Legislature and, as I mentioned, on the committees, and he's pursued some issues that are near and dear to him; other members have made reference to those.

It's difficult to do this if you don't have the support of those at home, and Cam has always said that he has the support of his wife and family, and the extended family, who are here today. While I know in one way they'd probably like to see him stay in this House as the member for Burlington, deep in their hearts they're going to be happier to see that he is closer to home more often, because in political life a person's time is consumed in many different places across the province, particularly as a cabinet minister or as a person who has a significant critic role. Members have to travel, they have to be here a lot, and the family has to be very understanding and supportive of that. Those who appear on the Christmas card, as we all know—and by the way, I think that was the first Christmas card I remember that had a family on it. We all seem to know the family well as a result of that Christmas card that came each year.

We wish you very well, Cam, in your personal life as you go on. The members of the Legislature, particularly in your own caucus—that's true of all our caucuses—will find that it's a difficult void to fill, because you're effective when you're persistent and you're committed to a cause, and you've been that over the years. We certainly wish you well.

**Mr. Cameron Jackson (Burlington):** I would like to thank my colleagues in this House for the kind words that they've shared and the warmth which all members have expressed today. I have some incredibly fond memories of this place. I've served under seven different leaders, six different Premiers, five different governments and, quite frankly, it's been an honour every single minute. But my greatest memories are of the people I have met and worked with here.

When I look back at 1985 when I was first elected, this was really quite a different place. We didn't have electronic Hansard. We didn't have cellphones. We didn't even have computers.

**Mr. Bisson:** The good old days.

**Mr. Jackson:** The reason they were the good old days is we sat till Friday at noon in those days and at nights till 11 o'clock, and we had pensions in those days, which is why we still refer to them as the good old days.

But I'm sincere about the wonderful friendships. In my 22nd year I've had the privilege of serving in this House with the fathers of five sitting members: Mr. Yakabuski, Mr. Miller, Ms. Martel, and a special word about Dalton McGuinty Sr. I was particularly close to the Premier's father. He was my vice-chair on the Legislative Prayer Breakfast Group. He had a very wonderful intellect and he had a great heart. It was my first experience of seeing one of our desks draped. I will never forget that image of the sacrifices that we make, and that some of us don't get to pick our time to leave this House. But I will have many, many memories of my colleagues in all—and I still keep in touch with Richard Johnston, Mel Swart and others, and members of the Liberal caucus and my own. I'm going to miss my own caucus, of course.

The reason that it was easy to be here among friends was because of a very simple belief I have: You must



accept that everyone in this chamber has won their seat as a direct result of winning an election in a democracy, so we're all on the same footing. It has nothing to do with our political parties. As Lincoln said, the purpose of a democracy is to appeal to the higher natures of our souls, and when we do that work in this House, we do incredible things. I've been blessed with many more of those experiences than most, and those are the ones—I've had some awkward moments in this House, but I have had some extraordinarily powerful moments when we have worked together.

We are able to do that because we are supported by some extraordinary people. I want to start with the group I consider to be the most important, and they are the group that I've brought Voortman's cookies to for the last 10 years, and those are our pages. From the pages, we go all the way through our table team, everyone from the people who clean our offices to those who recycle our paper to our bureaucrats and to a world-class civil service. We couldn't do half of what we do without their dedication, and I will miss them immensely.

Ever since I was a young boy, I wanted to dedicate my life to public service, and I had the privilege at the age of 24 to work with a school board in the best interests of children. That theme has permeated my life and my work in the House. It's been my great privilege to serve for 21-plus years in the Ontario Legislature, raising issues that have been referred to: the concerns I have for my parents and everyone else's parents, for our spouses and for our children; the fact that we have so much control over improving the quality of their lives. I will never forget that opportunity I've had.

I want to thank the thousands of courageous souls who have inspired us to do better work for the citizens of this province. It was their courage that touched and inspired us and caused us to do it, and all of us have been affected by that.

I want to thank my community of Burlington, which nurtured me as a small boy and gave me everything I could ever ask for. Public service is about returning that. They have elected me 11 times and I appreciate that great honour. It is a trust that is never to be broken and I am honoured to have had it.

I want to thank my staff. I have a very high turnover of my staff. Karen Bosworth has been with me 21-and-a-half years; Carol Mannone, who's here, has been with me 20 years; Bethany Carey, who's here, has been with me 17 years; and Dr. Alex Roman, my executive assistant, for 13 years. They learned what I learned very early in life, that when people call us, they need help; they don't need to be told where to go. That's a very important distinction and they've embraced that.

I want to thank my mother, who's here today, who taught me that you have two ears and one mouth, and use them accordingly. That's good advice when you grow up in a family of 10. My mother would say, "I brought 10 children into this world; only one lives in Burlington, and he has to." That is the extraordinary wit of my mother, but she's been incredibly supportive. Mom, thank you.

It's too bad Dad couldn't have ever seen all of this part of our career.

I want to thank especially my children. I have three extraordinary daughters. You've heard so much about them, and if you go to the legislative library, there are pages on them, because I refer to them so often, but to Amy, with her elegant sensitivity; to Lauren, with her eternal optimism, and to Michelle, with your youthful innocence, thank you.

*Applause.*

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**Mr. Jackson:** I'm almost done. As you can well imagine, yesterday was a bit of a difficult day in the Jackson house. Lauren took my hand and she said, "Dad, what's up?" I said, "Well, hon, I've got to resign tomorrow and I've dreaded this day." She said, "You know what, Dad? Think of it this way: You're either going to be the new mayor of the city of Burlington or you're going to be unemployed. Either way, this is going to be a new experience for our family." So you can't lose when you live in a family like that.

Finally, to my wife, Elaine, who has made extraordinary sacrifices, and the greatest, of course, was half of my pension belonged to her. I keep reminding the then Premier of the day that he had disenfranchised her along with me as well. But in spite of all that, she has—as with all of you who have a spouse or a significant other in your life, you simply cannot perform this job unless you're able to go home and have that support and understanding and the encouragement when there are those difficult days. So Elaine has done an extraordinary job in her support for me. We are a team. I could not have done any of this all by myself. My family has been behind me all the way. After all, the girls do hold the majority of votes in our house, and so it has evolved that way. So I thank them especially. Even though I leave Queen's Park to seek the office of mayor, I will continue in my life's work to serve the remarkable community that I cherish and be closer to the family I love. Thank you.

*Applause.*

## ORAL QUESTIONS

### DOCTOR SHORTAGE

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** My question is for the Premier. Yesterday, you said that you would choose private care if no doctor were available. For over one million Ontarians in Dalton McGuinty's Ontario, there is no doctor available. Premier, will you apologize to those Ontarians who cannot find a family doctor?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I think that yesterday we had a very fine opportunity to restate the



principles of our government, and that is that we believe fundamentally in the public health care system. The circumstances for patients in the province of Ontario are, indeed, on too many occasions, challenging circumstances. But if we are honest and forthright, we will recognize that the challenges related to doctor shortages were not created overnight, nor on our watch. Accordingly, the appropriate party to be asked to apologize to the patients of the province of Ontario, related to the challenges of finding medical doctors in this community, rests with the two political parties that contributed more greatly than any others to this circumstance.

**Mrs. Witmer:** After three years in office and three years of mismanagement, it's time for the Liberal government to stop blaming other parties for the problems in the system today. I would say to the Premier: It was you who promised Ontarians that you would end creeping privatization. It was you who promised people that they would get the care they need. It was you who promised to help underserved areas, which have increased in size under your time. It was you who promised to make public medicare the law of the land. Yesterday, you just threw in the towel and said that you could choose private care and that other people could do the same thing.

I ask you again, Premier, will you apologize to the people who do not have a family doctor for breaking your promises to them?

**Hon. Mr. Smitherman:** We've addressed, I think quite appropriately and proactively, the issue of apology. We're still waiting, and so are the patients. But we haven't been standing around and waiting. We haven't sat idly by.

Firstly, with respect, the Commitment to the Future of Medicare Act, which you did not have the courage to support, has helped us to stop Copeman's advance of private clinics, and to stop Life Line at the borders.

Here are the initiatives that we've been involved in. We've increased undergraduate spaces by 23%.

*Interjection.*

**Hon. Mr. Smitherman:** And we're bringing—I say to the honourable member from Niagara, who's good at heckling but bad on action—a satellite medical school to the community of Niagara to address these problems.

Through our revitalization of primary care, we've increased the proportion of family residency spots by 70%. We've moved IMGs—international medical graduates—from 90 spots to 200; this year we have 218. We have 750 more foreign-trained doctors working in Ontario under our watch in three years and a further 440 in residency training; family health teams; 49 community health centres; a groundbreaking agreement with the Ontario Medical Association that has seen an 11% increase in the productivity of doctors in Ontario—

**The Speaker (Hon. Michael A. Brown):** Thank you. Final supplementary.

**Mrs. Witmer:** Despite all the rhetoric, the situation in Ontario is worsening. In fact, it has gone from bad to worse. Nobody in this province believes you. Premier, I say to you again, your comments were an admission of

failure on the health system and your mismanagement of the system over the last three years. The fact is, there are about 1.2 million people without a family doctor. The number of doctors accepting patients has decreased from about 40% down to 11%. The number of doctors prepared to retire is increasing. The situation is worsening. And the other fact is, people are waiting in emergency rooms. I ask you again, Premier, will you stand in your place and apologize to the people who are paying your health tax and who have now been told they have to pay more—

**The Speaker:** The question has been asked. Minister.

**Hon. Mr. Smitherman:** The people of Kitchener–Waterloo for a long time sought a satellite or a medical school as part of the resolution to this problem. The honourable member should apologize that for all her years of representing that community—three years as the longest-serving Minister of Health in the Harris government—she could not deliver for the people. She should apologize.

The circumstances are clear: We have dedicated ourselves to the task of reconnecting patients to family care. You cannot make a doctor as fast as you can make a pizza. But through a sustained effort, through a comprehensive challenge, we have produced a result that Ontarians celebrate. Today 420,000 Ontarians more than when we came to office enjoy a relationship with a family practitioner as a result of the efforts that doctors have made, working in partnership with government.

There is no doubt they have left us more work to do. We are up to the challenge and, with a sense of optimism, with courage and dedication, we will resolve this on behalf of the patients of Ontario and deal with the apology that is long since overdue from these two parties.

#### HOSPITAL FUNDING

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** My question is for the Premier again. Despite the rhetoric, you have mismanaged the health system for three years. You have abdicated your responsibility. Last night, Cambridge Memorial Hospital was forced to contract with Med-Emerg to run their emergency room because of your government's refusal to assume any responsibility for problems in doctor shortages. Your health minister said it's okay for Cambridge to do so, but then he said he was going to send letters to the other hospitals, telling them they could not do so. In fact, he has threatened these hospitals in crisis, saying, "We pay the bills. We assume that hospitals will comply." Premier, do you agree that this threat is the best way to deal with hospitals which are desperate to deal with the crisis in their emergency rooms?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.  
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**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** No one would perceive a threat if there was a \$600-million



advance in resources attached to it. The reality is clear: In every year that we have had the privilege of being the government, we have cast a budget which in each and every year has provided additional operating resources to Ontario's hospitals, and at the same time, we've sought to enhance the number of doctors that Ontario produces.

The reality is that that honourable member is suffering from some sort of amnesia. She forgets that for several years that party cut budgets for hospitals and took away 22% of the acute care capacity, while at the same time sitting on their hands while medical schools were operating at this shrunken state.

The implication of the shrunken state of our medical schools, the implication of not taking advantage of our foreign-trained doctors, that is their record, and regrettably, for community after community, the implication is clear: We have too few doctors. But we've increased by 23% the size of our medical schools. We've more than doubled our capacity for foreign-trained doctors: 750 more of them already in practice, 440 receiving more training. We will continue to work on behalf of the patients of Ontario to make up for their lost time.

**Mrs. Witmer:** Premier, the reality is that what you've been doing for three years is fluff, and the health care stakeholders and patients know it. Any results that we see today are because of the improvements that we made to the system. We added \$10 billion. We announced the new medical school. We increased health care spaces for doctors by 30%. We were the ones who introduced nurse practitioners and added 8,000 doctors.

The reality is, your minister is prepared, by his threatening letter, to put the lives of patients at risk. He said, "Either comply or put the lives of patients at risk." Today, Niagara has said that they are thinking of closing. Hanover is thinking of it. I say to you today, is it your opinion, Premier, that hospitals that are facing a crisis ought to suffer funding cuts?

**Hon. Mr. Smitherman:** The only time that hospitals have been threatened with funding cuts is when that party is in office, and the record around that is very clear. The member likes to talk about hospital emergency rooms, but she refuses to stand in her place and acknowledge that as a result of her efforts, there are 20 fewer emergency rooms in Ontario and 28 fewer hospitals. This is her legacy and that is the record.

Let us be very clear: Med-Emerg has existed for a long time as a scheduling agency related to doctors. This has been an ongoing circumstance, but in Cambridge they've evolved to a different role. It's not an appropriate role for an outside company. We believe fundamentally that the position of chief of the department of an emergency room must remain as a position that is held by a senior staff person in the hospital. That is the principle, in favour of the public values of medicare which we stand here and fight for every single day. On that position, we're clear and we're unequivocal. To the hospitals of Ontario, we will not—

**The Speaker (Hon. Michael A. Brown):** Thank you. Final supplementary.

**Mrs. Witmer:** My question is once again to the Premier. We hear the rhetoric. However, the facts are quite different than the rhetoric. Because of your inaction and unwillingness to recognize a year ago when the emergency room doctors came to Queen's Park to tell you there was a problem, and your refusal to work co-operatively with hospitals, we have this crisis situation today. There are about 20 hospitals that are facing temporary closings. We have the situation in Cambridge. I would say to you today, you have a report on your desk that talks about recommendations to deal with working conditions, adding beds. I ask you, are you prepared today, Premier, to release the report and get working on those recommendations after three years of inaction?

**Hon. Mr. Smitherman:** In the first part of the question, it's one year; by the end of it, it's three years. The member says there are 20 hospitals facing short-term experiences with emergency rooms. Interesting, isn't it, that that's the exact same number that member took out of play in Ontario.

She wants us to release the report, which we will do in very short order, and when she reads it, she will see that the smoking gun is there in her DNA. The smoking gun is her inaction over years and years, while she sat on her hands and sat idly by while communities like hers in Kitchener and the ones in Niagara experienced even greater shortages—satellite medical schools delivered to those communities not during the periods of inaction and the watch of that honourable member but in a period of action in defence of a public health care system.

We have more work to do, and alongside our patients and our providers, dedicated to the values that have shaped this country, we will do so. We will make up the time that they squandered.

**The Speaker:** New question. The leader of the third party.

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. Remember when your health minister issued what he said was a public call to arms to defend medicare? Why, it was only 16 days ago, on September 11, that George Smitherman said, "I am here today to tell you that I believe the public health care system most people in this country cherish is under threat. We need to fight for it." Meanwhile, yesterday your government, the McGuinty government, said nothing and did nothing to prevent a profit-driven private corporation from taking over the emergency room of Cambridge Memorial Hospital. Premier, is that the measure of the McGuinty government's support for medicare: 16 days and no more?

**Hon. Mr. McGuinty:** I'm sure that the leader of the NDP would be interested in a statement made yesterday by Hilary Short, president and CEO of the Ontario Hospital Association: "Med-Emerg has been providing temporary physician services to Ontario hospital emergency departments since 1983. The fact their services are being considered by the Cambridge Memorial Hospital or any other hospital is nothing new to the province of Ontario. It would be inaccurate to describe the use of Med-Emerg



services as the privatization of emergency services." I agree.

**Mr. Hampton:** Here we have it again: A profit-driven private corporation takes over an emergency hospital ward in Ontario and Dalton McGuinty says it's just fine. In fact, you said yesterday, "If I've got to choose between a privately funded doctor and no doctor, then I'd take the privately funded doctor..." Premier, these choices that you're giving Ontarians—no doctor or a doctor working for a profit-driven corporation—are false choices. You know there are public solutions, medicare solutions to this crisis. The NDP government in Manitoba planned ahead with a model that made optimum use of emergency room nurses, nurse practitioners and emergency room doctors to ensure there was proper coverage across that province. So why are you telling Ontarians their only choice is between no doctor or a profit-driven, privately funded doctor?

**Hon. Mr. McGuinty:** I can understand why the leader of the NDP, from his particular perspective, would not want to acknowledge it, but the fact of the matter is that we've been working very hard to invest more into our public health care system, to revitalize medicare and, furthermore, to champion innovation within our public health care system. The leader of the NDP would also know that we've been working very hard, together with our emergency room physicians and our hospitals. There's an ongoing, constructive dialogue in place right now. There are two issues. One has to do with compensation, and we understand that. The other has to do with sufficiency of numbers, making sure we've got enough doctors. The leader of the NDP only has to look into the mirror when it comes to determining where the source of our physician shortage was, because he cut back on medical school spaces. We've expanded them by some 22%. So it is less than accurate to somehow suggest that this government is prepared to tolerate this as an ongoing approach to dealing with our emergency room shortages. We will continue to work with our doctors to find a solution.

**Mr. Hampton:** We see your innovations: profit-driven, privately financed hospitals and now profit-driven private corporation takeover of emergency rooms. It all creates a very dangerous precedent because profit-driven health care corporations in the United States and elsewhere are watching to see if they can elbow their way in and take an opportunity to make profits off Ontario's health care system. You seem to be saying it's all fine.

Yesterday I called on you to stand up for medicare and support our bill to ban profit-driven health care in our hospital emergency rooms. I ask you again, will you agree to ban profit-driven private health care from our hospital emergency rooms?

**Hon. Mr. McGuinty:** Again, Med-Emerg has been on the job in Ontario since 1983. We've discovered so far—but we'll do a bit more work in that regard—that they were used in 17 separate instances under the NDP government. Also during the NDP days, ancillary services at hospitals were contracted out at St. Thomas Elgin Gen-

eral Hospital, the Trillium Health Centre, the Halton Health Centre and Joseph Brant Memorial Hospital. They took full advantage of Med-Emerg services, they privatized ancillary services in Ontario hospitals, so I think there is a little less than 100% credibility when it comes to the leader of the NDP now saying that he's a champion of public health care.

1450

**The Speaker:** New question.

**Mr. Hampton:** Premier, the guy who you say indulged in that privatization is now running for the leadership of the Liberal Party, probably where he should have been all along. But now 19 emergency rooms across the province have been—

*Interjections.*

**The Speaker:** Order. I can wait. We can wait.

Government House leader. The Minister of Citizenship and Immigration will come to order.

Leader of the third party.

**Mr. Hampton:** Premier, 19 emergency rooms across the province have been at risk of closure over the past several months. However, many of them are now considering rotating, temporary closures. Grand River and St. Mary's hospitals in the Kitchener area are looking at shutting down their emergency rooms. The Niagara Health System is bracing for potential ER closures at Douglas Memorial Hospital, the Greater Niagara general hospital, Port Colborne general hospital, St. Catharines general hospital and Welland general hospital. Leamington is already experiencing a temporary closure of emergency rooms.

Premier, you promised health care would be there for people when they need it. What is your plan to fix the hospital ER crisis across all of these Ontario hospitals? More profit-driven, private health care?

**Hon. Mr. McGuinty:** To the Minister of Health.

**Hon. Mr. Smitherman:** I think we've already well identified that for-profit expansion of delivery in Ontario enjoyed very, very exciting days under this member. Now, one of them squealed out of the parking lot during one important debate, and it seems like the other one is pretending that they weren't there for five years. But unfortunately, Ontario's patients can't pretend. They don't have the luxury of amnesia. They don't have the luxury of pretending. This party, backed up by such strong cabinet performers as the now leader of the third party, made decisions that restricted the size of our medical schools, and the repercussions of that are felt in a variety of communities, no doubt.

We're working vigorously with those communities to address it. Earlier this summer, as an example, we were personally engaged in efforts to make sure that St. Mary's didn't lose emergency room coverage. We have more to do. We will continue to work, endeavouring to make up for the lost time that was created by that honourable member, when it was on his watch but apparently he was asleep at the switch.

**Mr. Hampton:** We have a list of hospitals that are having difficulty with their ERs, and the health minister



stands up and says there's no problem. Health Minister, just yesterday, Kitchener Grand River Hospital announced it will cut 18 hospital beds and 50 health care providers, including 17 nurses. Your Premier used to say we should be hiring nurses, not firing them. Well, Premier, we know your preference now for private doctors, but we know it won't solve the ER crisis. And we know that your health minister's Furious George routine of sending threatening letters to hospitals isn't going to do it, either.

My question, though, is this: Premier, how is firing more hospital nurses going to solve Ontario's hospital emergency room crisis?

**Hon. Mr. Smitherman:** I am inordinately proud to be part of a government that has brought 4,300 additional nurses to the front line of health care. I'm proud to be part of the a government that's in the midst of building 150 family health teams, that's produced care for 91,000 orphaned patients. I'm proud to be part of a government rolling out 49 community health centres. I'm proud to be part of a government that's building satellite medical schools in four Ontario communities—Windsor, Kitchener—Waterloo, Mississauga-Erindale and Niagara—expanding other medical schools and seeing the second class of 56 students at the Northern Ontario School of Medicine.

I'm the first to acknowledge that as one who loves our system of health care, who believes in medicare, I recognize—and it's appropriate to do so—that as much progress as we've made and as strong as the foundation may be, we have more work to do. Our offer and our promise and our action is dedicated to addressing those concerns on behalf of patients. We will work with doctors, we will work with providers, we will work with nurses, and we will be restless and relentless until such time as we make up the lost time squandered by these two—

**The Speaker:** Thank you. Final supplementary.

**Mr. Hampton:** Premier, while your Minister of Health looks for someone to blame, the fact is that thousands of patients across this province visit emergency rooms every week because they don't have any other option.

While you look around for someone to blame, other provinces have in fact put in place effective strategies. The NDP government in Manitoba put in place a four-point strategy which kept emergency rooms open this summer and made sure that doctors and nurses were there to look after patients.

We're calling on you today to make a difference. We're calling on you to support our private member's bill that will ban the privatization—the profit-driven private operation—of emergency rooms. I'm asking you, Premier, will you say no to profit-driven private health care, and will you stand up for medicare in this province by passing our bill?

**Hon. Mr. Smitherman:** Firstly, we did a DNA test with all the orphaned patients in Ontario, and when we showed them the results, they started to call Howard Hampton Daddy-O. The circumstances are clear: The

honourable member across the way is suffering from amnesia and a lack of responsibility.

The Commitment to the Future of Medicare Act, which they voted against, stopped Life Line at the borders, and it stopped the Copeman clinics from expanding into Ontario.

I remind that honourable member, when we worked with doctors in our agreement seeking to compensate them for their work in emergency rooms, he said the agreement was nasty. He called it a bribe, and now he stands in the House saying, "Shovel more dough out the door." That's the answer. This is always it with the NDP. They were there, they had the power, they sat on their hands and squandered the opportunity. They created the problem, and now nothing but denial.

### JUSTICES OF THE PEACE

**Mr. Robert W. Runciman (Leeds-Grenville):** I have a question for the Attorney General. An article in today's Toronto Star indicates that thousands of people in York region charged with serious provincial offences are escaping trial and taxpayers are losing close to a quarter of a million dollars per year in unpaid fines because of a critical shortage of justices of the peace.

Minister, we know that you appointed seven JPs a few weeks ago. That still leaves you with 18 fewer JPs than when you took office three years ago. How did this shortage happen on your watch?

**Hon. Michael Bryant (Attorney General):** The member bases his question, as he says, on a headline in a newspaper that he normally likes to disparage, and the headline writer in this case just didn't get it right.

Dangerous driving offences, criminal negligence, driving while impaired, those go to criminal courts. Chief LaBarge was talking about traffic court, which primarily deals with parking infractions, seat belt infractions, stop sign infractions, which of course must be addressed, but let us not mix up criminal court with traffic court.

As for dealing with traffic court issues, the McGuinty government offers a solution in the form of Bill 14, which is before this House. It will modernize the appointment process for justices of the peace and will enable traffic courts to deal with case flow issues. Unfortunately, the official opposition and the third party are opposed to Bill 14. We look forward to giving Bill 14 an opportunity, and we look forward to it coming forward—  
1500

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Runciman:** Someone could suggest that the minister was misleading the House, but I won't do that today.

**The Speaker:** The member knows he can't do indirectly what he can't do directly, and I would ask him to withdraw.

**Mr. Runciman:** I apologize and withdraw. The reality is that the ministry has been using the Bill 14 standard for the last two and a half years, and he should know that.

Minister, the Association of Municipalities of Ontario has suggested that municipalities will lose in the neigh-



bourhood of half a billion dollars because of the shortage of JPs. The fact that thousands of people are walking away from serious charges is a scandal. You've used Bill 14 as an excuse to save money, pure and simple. There are no noble motives here. You pushed the pit bull legislation through in a few months, and now, after three years of inaction, we have 18 fewer JPs in Ontario.

What is your plan to ensure that the shortage of JPs in this province is removed?

**Hon. Mr. Bryant:** The McGuinty government has appointed 40 justices of the peace since we've been in office, and this member knows how many JPs his government appointed in their first two years in office. Was it 30? Was it 10? It was zero. They appointed zero JPs in their first two years, and they appointed fewer justices of the peace in their first three years than this government has appointed.

The member also understands the way in which JPs were appointed under their government, and he knows very well that we've put into place a process which adds transparency and adds a level of independence that his government never understood.

Lastly, the member understands that we have an opportunity before the House to address traffic court issues, in the form of Bill 14. We've had almost 20 days of debate and hearings. I ask the member to stop pretending we don't have the solution before the House. Stop your opposition to this bill and let us move forward with the solution, and stop playing politics with this important—

**The Speaker:** Thank you. New question.

### RADIOLOGISTS

**Ms. Shelley Martel (Nickel Belt):** I have a question to the Premier. Premier, the Belleville hospital received \$37,000 to help pay for new CT scanning equipment. The government said this would provide 525 more exams and reduce patient wait times for CT scans. Now the hospital is sending the money back because the chief of staff says they don't have enough radiologists to deal with the backlog of cases. Premier, what do you intend to do about this situation?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I want to thank the honourable member for the question. For the first time in the history of Ontario, we've advanced funding to hospitals, just in the last few weeks, for CT scans. As people will well know, that is a practice that is new, because CT scanners, as the member representing Brockville and I have discussed recently, have historically been paid for, both on the capital and operating side, by local hospital budgets. We recently put about \$5 million out there. If Belleville is in a position where they're unable to address these additional volumes, then we'll seek other players in the southeast.

I would mention to the honourable member that we've recently had the chance to announce that a new CT

scanner is coming to the very nearby community of Trenton, and I think that that may provide us with an opportunity to work to enhance access to these CT scans.

**Ms. Martel:** Instead of sending the money somewhere else, why don't we try to fix the situation at Belleville so people in Belleville can benefit from these scans?

We talked to the association of radiologists this morning, who say there's a current shortage of 200 radiologists in Ontario. That's the same number as when you took office three years ago. The association said they've asked your government to increase radiology program enrolment, to create a retention program for radiologists, and even to create a repatriation program to encourage Ontario radiologists to come home. They say you've done nothing with these recommendations. You can't reduce CT wait times if you don't have the radiologists to do that.

So when, Minister, are you going to implement these recommendations to ensure there are enough radiologists in Ontario hospitals to deal with CT scans?

**Hon. Mr. Smitherman:** The honourable member says that you can't reduce CT scan waits, but the reality is, and the evidence shows, that CT scan waits have come down 13.6%. In Cambridge Memorial Hospital, CT scan waits are down 71.8%. At St. Joseph's Health Centre, in your colleague's riding of Parkdale-High Park, CT wait times are down 47.5%.

We will continue to work with the Ontario health care system to expand capacity. In the case of Quinte, if they're not in a position at the present time to be able to address this, we will work with them and we will ask the local health integration network to seek to provide these enhanced services as close to home as is possible.

There is no doubt that as we seek to add capacity to the Ontario health care system, there are very precious commodities of health human resources. Again, I don't want to belabour the point. The honourable member is part of the DNA makeup of that circumstance. We've been working very judiciously to make up for lost time, and we will continue to be very active on these fronts.

### FEDERAL SURPLUS

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** My question is to the Minister of Finance. When this government came to office, it had an ambitious plan of reform in mind, a plan to fix the roads that the last Tory government had neglected and open the hospitals and schools that were closed. Considering the fact that the previous government did nothing but cut spending while here at Queen's Park, it was fair to assume they would have left us a surplus, but we know that wasn't the case.

Now it appears that some of the same members who presided over cuts in Ontario are making the same mistakes federally, despite a \$13.2-billion surplus that the Canadian government accumulated last year.

Minister, what implications does a federal surplus have for Ontario?



**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I think the good news for Ontarians and for people all across Canada is that the results Mr. Flaherty announced to the federal Parliament a few days ago mean that the federal government has a very strong financial capacity.

I think it's a little bit ironic. I guess the point Mr. Flaherty didn't make quite clearly when he presented those results is that he was presenting the results from the last year of the Liberal administration in Ottawa. It's ironic that when we came to power, we inherited a \$5.5-billion Tory deficit; when Mr. Harper came to power, he inherited a \$13.2-billion Liberal surplus. The important thing to remember, though, is that the federal government has the financial capacity to honour its commitments to Ontario in the Canada-Ontario agreement and to redress the unfair treatment Ontario has—

**The Speaker (Hon. Michael A. Brown):** Thank you.

**Mr. Brownell:** Thank you for the response, Minister. As a representative of the people of my riding of Stormont-Dundas-Charlottenburgh, I have many people in my riding in need of many things. I have students who are trying to pay for their education, and roads that municipalities are trying to repair and build.

We were particularly pleased in my community when, in the last federal budget, Finance Minister Flaherty announced that all provinces would be receiving funds through four new trusts, for initiatives such as housing, transit and post-secondary education. Yet it now appears that the federal government is in fact looking to short-change Ontarians.

Minister, can you explain what funds Ontario will be receiving through these federal trusts?

**Hon. Mr. Sorbara:** I agree with my friend that the trust Mr. Flaherty created in his budget will benefit Canadians from coast to coast to coast, in post-secondary education, in housing and in public transit. The difficulty we have in Ontario is that there seems to be some suggestion that Ontario's share in those trusts ought to be reduced by the amount Mr. Harper had promised would come to this province under the Canada-Ontario agreement. So while we think the trusts are very good investments, we will not tolerate the notion that somehow every other province will get their fair share and Ontario will have to take a reduction in its share as a result of the benefits promised by Mr. Harper to Mr. McGuinty under the Canada-Ontario agreement.

#### MEMBER'S CONDUCT

**Mr. Tim Hudak (Erie-Lincoln):** A question for the Premier. I'd like to refer you to the August 25 Toronto Star article entitled, "MPP Cashes in on Election Rule Loophole." To refresh your memory, your MPP from Thornhill, Mr. Racco, has twice consecutively registered to run for municipal office, then twice consecutively withdrawn from municipal office while he sits as an MPP in this Assembly. His goal is to carry over a \$30,451 municipal war chest that grows with interest.

Premier, since that article came forward, what discussions have you had with Mr. Racco and how are you going to put a stop to him doing this process?

1510

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** If the honourable member is aware of any particular rule or regulation that the member referenced is breaking, then I would ask that he bring that to the attention of the House.

**Mr. Hudak:** I'm rather surprised at the Premier's office, or his response, because clearly it's just plain wrong. Let me refer the Premier to this recent history: On January 20, the MPP from Thornhill registered to run for municipal office in Vaughan. Bizarrely, it's the same seat that his wife currently holds. He then withdrew, within a couple of hours, a cheque for \$30,451. He doesn't have to return that money until after municipal campaign expenses are filed, meaning that he would have what effectively is an interest-free loan, courtesy of taxpayers in the area.

Premier, you had made a big deal in opposition about ethics, and certainly your record in office as Premier has been less than stellar. I have to assume you're going to have an immediate discussion with your member from Thornhill, and tell him that if he does this again he's out of your caucus.

**Hon. Mr. McGuinty:** It's always good to get advice, of course, from my friends across the way. There are municipal election rules which apply in these circumstances. The same apply today that applied in the past.

#### DISABILITY BENEFITS

**Ms. Andrea Horwath (Hamilton East):** My question is for the Premier. Recently, I visited Hamilton resident George Goodwin, who has a debilitating disease call Lou Gehrig's, or ALS. To fight his crippling illness, Mr. Goodwin is prescribed the diet supplement Ensure by London neurologist Dr. Michael Strong, who's a leading world expert in ALS.

When not in his wheelchair, Mr. Goodwin is confined to his bed. There are many foods that he cannot eat and the supplement is, in fact, his lifeline. He received a special diet allowance to pay for his medically necessary diet supplement, but last month you cut it back by 80%, to \$45, which robs him of his daily supplement that he must have and endangers his frail health.

Premier, will you commit today that you won't force Mr. Goodwin into an arbitration, that you will restore the full special diet allowance he used to receive so he is able to live with a modicum of dignity?

**Hon. Dalton McGuinty, Premier:** I appreciate the question. Obviously, I cannot speak to the particulars of any specific case. The member will know that this allowance has always been intended for people who require a special diet as a result of a medical condition. We will ensure that—the criteria that were developed to be followed by Comsoc were developed in conjunction with the Ontario Medical Association. I can say that the form



clearly outlines a comprehensive list of medical conditions that require a special diet.

**Ms. Horwath:** It's really sad that your government gave Mr. Goodwin an award for his outstanding work with the ALS society, but now you're depriving him of the supplement that's keeping him alive. You value his work but not his life, Premier.

When the ODSP choked off Mr. Goodwin's supply of Ensure, they sent him a cheque for \$75, telling him to buy a blender. This exemplifies the callous treatment that the many people like Mr. Goodwin in this province have to rely on when they're trying to get their diet supplement needs met.

The new application form that you're talking about, that you're bragging about, is fundamentally flawed. It doesn't take into account people's real needs. You've used the form as a licence to cut people off diet supplement. Mr. Goodwin appealed under the previous government, and guess what? His appeal was approved, and he got his diet allowance back.

Are you prepared to force this ailing man back through a stressful arbitration, or will you agree to restore his special diet here and now and adjust your methods for others whom you've cut back?

**Hon. Mr. McGuinty:** What we have done here is struck what I believe is the appropriate balance to ensure that, in accordance with advice that we receive from doctors, who are acting on an independent and non-partisan basis, we're providing the dietary supplement to those who are in genuine need of such.

There is an appeal process available. If people have problems, they and their doctors have a process to appeal. That's something that I would encourage the member to pursue. Again, we have done everything we can to ensure that the criteria that are in place are supported by objective and independent physician panels.

#### SENIOR CITIZENS

**Mrs. Carol Mitchell (Huron-Bruce):** My question is for the minister responsible for seniors. I've received numerous telephone calls in the past from senior citizens in my riding, and they were confused about where the many services available to them are. Seniors in the riding of Huron-Bruce represent 17% of the population, versus a provincial average of 13%. I have heard from numerous seniors that it is very difficult to sift through all the government information to find programs that will benefit them and give them access to those programs.

Minister, last month, you were in my riding to announce a new website. Would you please explain to the House the details of this new site and how it will help senior citizens.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** An absolutely excellent question from the member. I want to thank the member for Huron-Bruce for this question, which is exceedingly important, and for her continued advocacy on behalf of senior citizens in her riding.

In August, members will know, I announced that our government, along with the federal and municipal partners, has launched a major expansion of seniorsinfo.ca, an interactive website making it easier for older adults to access information, programs and services from all levels of government. A pilot project was established in the city of Brockville in 2003, and using the feedback from that project, the seniorsinfo initiative was improved.

Last month, some 22 municipalities in Ontario, in partnership with the federal and provincial governments, launched customized seniors' websites. This innovative website will help seniors, their families and caregivers access the services and information in an easy, stress-free and convenient manner.

**Mrs. Mitchell:** Thank you, Minister. I know that senior citizens in my riding are very excited about the website. By putting the information from all three levels of government into one central location, it's much easier for them to find exact—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I need to believe able to hear the member for Huron-Bruce.

*Interjection.*

**The Speaker:** The member for Timmins-James Bay will come to order.

The member for Huron-Bruce.

**Mrs. Mitchell:** I find it very disappointing that the members from the third party do not care about the senior citizens of Ontario. I do want to say, too, that the senior citizens in my riding were very excited about this website. The announcement for the province was done in my riding. There were about 45 seniors who came out that day. They had access to the website. They found it very informative and very helpful. It's unfortunate that the third party does not seem to grasp that our seniors are far more capable than in fact they find, laughing about it.

Twenty-two municipalities have joined the partnership, and I do want to thank the municipalities for this initiative. Minister, can you tell me, how will the other municipalities be able to take part in this initiative that's so important to the seniors?

**Hon. Mr. Bradley:** First of all, I want to thank the member for taking the time to actually peruse the sites for the municipalities in her riding that are involved in this initiative. I recommend it to all members of the House. It's a great example of what co-operation among the three levels of government can achieve.

There have been very positive pieces of feedback from many of the municipalities involved, including the municipality of North Grenville, whose mayor, Bill Gooch, said, "As a senior citizen, I value my independence and ability to look after myself. Initiatives such as the portal enable me to continue to be a productive and self-reliant person. My congratulations to all involved."

Our government is very interested in partnering with interested municipalities who wish to provide this service to their seniors, and we will continue to do so for many months and years to come.



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## LEGAL AID

**Mrs. Christine Elliott (Whitby–Ajax):** My question is for the Attorney General. Here we are, three years into your mandate as Attorney General, and this has also meant three years of inaction with respect to the legal aid file. Under fire from members of the legal community, charging that, “You have allowed the legal aid program to wither, and it’s worse than it was when you stepped into the job,” you’ve finally conceded that under your watch, record numbers of applicants have been denied legal assistance. Frustration regarding the rhetoric you threw at the program upon your appointment has simply been mounting, as your comments have proven to be “pretty hollow.”

Please tell us why we should believe, from a government that will say anything and do anything to be re-elected, that you will finally bring substantive change to a program that you vowed to improve three full years ago?

**Hon. Michael Bryant (Attorney General):** I just want to start by thanking all the hard-working men and women who work to provide legal services to the unrepresented, who dearly deserve representation before our courts.

There’s no question that it’s an important part of a civil society that we provide assistance to a legal assistance system not only in the area of criminal charges, but also in the area of family law. Ontario is one of two provinces in the whole country that provides services in the area of family law. Ontario leads the nation in terms of funding, not only generally but per capita, for legal assistance. The McGuinty government, since we were elected, increased funding to Legal Aid Ontario by 10%—\$25 million of increased funding. That’s certainly a very good start. I’d like to follow up—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mrs. Elliott:** I can certainly agree with you that the men and women who provide legal aid services in this province are doing a wonderful job, especially considering that they’re seriously overworked and vastly underpaid.

Let’s look at the facts. First, under the watch of the McGuinty Liberals, the emergency fund established 30 years ago to meet unexpected demands at legal aid, not normal operational requirements, has been depleted, so that nest egg is gone. Secondly, it took you two full years to allocate any increases in funding to the legal aid program. What was the commitment? Sixteen million dollars that didn’t even begin to address the problem. Thirdly, the number of people denied legal aid assistance under your watch has increased by 42% in less than two years. Finally, at the same time you’re ordering a review of legal aid, you’re also seeking a proposal from legal aid to provide representation to victims of discrimination, since Bill 107 will strip away the power of the Human Rights Commission to do this.

Mr. Attorney, this defies logic. How could you possibly expect Legal Aid Ontario to assume the burden of providing these legal services under your proposed human rights reform, at the same time—

**The Speaker:** The question has been asked. Attorney General?

**Hon. Mr. Bryant:** It’s very interesting that the criminal defence bar has new-found friends in the Progressive Conservative Party. It’s particularly interesting that it would not be the former Solicitor General who would be asking these questions, who normally asks me questions, and that’s because he spent certainly the last three years doing everything he could to bash that legal profession that you’re trying to in fact uphold.

The reason why Legal Aid Ontario was in a hole when this government came into office was because the previous government, in fact, increased its costs, wrote a rubber cheque, and this government had to find the money to pay for it. Secondly, that was the party that tried to literally bankrupt the legal aid plan in the province of Ontario. We are not going to take lectures from the Progressive Conservative Party when it comes to legal aid. I can assure, more importantly, all members of this House that this government’s commitment to providing appropriate legal assistance to all Ontarians is unshakable, and will not be shaken by the official opposition.

## ÉDUCATION EN FRANÇAIS

## FRENCH-LANGUAGE EDUCATION

**M. Gilles Bisson (Timmins–Baie James):** Ma question est à la ministre de l’Éducation. Madame la ministre, vous allez savoir que beaucoup de nouveaux Ontariens qui viennent ici d’outre-mer veulent choisir de faire leur éducation dans le système public français. Et comme vous le savez, il n’y a pas de capacité dans le système pour les prendre. Justement, on a environ 88 communautés ici en Ontario où il n’y a pas d’écoles publiques françaises disponibles pour ces gens, et les parents des jeunes ont besoin de choisir autrement, d’envoyer leurs enfants dans le système anglophone.

Vous savez aussi qu’il y a une demande présentement devant vous pour financer neuf écoles prioritaires qui était mise en avant par le conseil qui représente les écoles publiques du Centre-Sud-Ouest.

Ma question est très simple. Quand est-ce que ce conseil peut s’attendre à avoir une réponse positive sur les neuf demandes qu’ils ont faites?

**Hon. Kathleen O. Wynne (Minister of Education):** Thank you very much to the member for the question. I apologize that I will have to answer it in English.

I have received a report from the association of French-language public school boards. I have just received it. I have not had a chance to look at it, and I certainly will be doing that. But I want to say that we, as a government, are absolutely committed to supporting French public education, French Catholic education. It’s



a very important and defining characteristic of publicly funded education in Ontario.

Since we've been in office, we have made significant investments in French public education in the province. We've set money aside in terms of the capital expenditures; we have given the system \$16 million to provide \$220 million in new capital funding. That's a significant increase over what the system had in the past. I look forward to working with the members of the boards.

**M. Bisson:** Madame la Ministre, ce sont de bien belles paroles, mais ce dont on a vraiment besoin, c'est des gestes concrets quand ça vient à ce dossier. Simplement dit, on sait que les parents et les enfants choisissent d'aller dans le système anglais public parce qu'ils n'ont pas de choix. C'est une question soit de s'inscrire à une école publique francophone à deux heures sur la route en autobus ou d'aller à l'autre bord de la rue dans le système anglais public. C'est pas juste. Si la communauté franco-ontarienne va s'épanouir et s'assurer de sa survie, c'est important qu'on accommode les nouveaux Canadiens qui viennent au Canada et qui choisissent, eux autres, d'aller dans ce système. Vous avez de belles paroles, mais ça ne fait rien.

On vous demande encore une question très sérieuse : quand est-ce que le conseil peut attendre une réponse sur la demande qu'ils ont faite le printemps passé pour les neuf nouvelles écoles, qui sont prioritaires pour leurs communautés?

**Hon. Ms. Wynne:** Let me first say that I acknowledge and our government acknowledges the challenges of delivering education in these systems that cover huge geographic areas. I know that's a huge concern. But I just want to do a bit of a reality check here. Since we've been in office, the per pupil funding increase to the French-language public board has been around 32%. If you compare that with the increase to the English-language public boards, it's a 21% increase. What that does—and I'm not in any way denigrating the need for the French public school board increase, but what it says is that we in fact acknowledge the additional expenses. We in fact acknowledge that it costs more to make sure that when that kindergarten teacher in a class in a French public school sits down to do the circle with her students, with 20 students in that class—it's more expensive to deliver that in the French public system. That's why the—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

**M. Bisson:** Un point d'ordre.

*Interjection.*

**Mr. Bisson:** It's called a point of order in French, un point d'ordre.

Je suis insatisfait avec la question. Je demande que la ministre revienne pour répondre à la question, ce qu'elle n'a pas fait aujourd'hui.

*Interjection:* That's not a point of order.

**Mr. Bisson:** Yes, it is.

**The Speaker:** The member knows that there is a process in this House that we call a late show. You need to file with the table. It is not necessary for you to make the

point here in the House. As a matter of fact, the standing order particularly says that you should file it with the table.

New question.

## RURAL EDUCATION FUNDING

**Mr. Jeff Leal (Peterborough):** My question is for the Minister of Education. Lately, we have heard from the opposition side, making claims that the McGuinty government hasn't done anything to address the pressing needs that exist in our public school system today. In fact, I've heard first-hand from my constituents in Peterborough that even though we've made a great start in addressing the historic underfunding of public education, we must do more. I stand by my constituents; I stand up for them.

In rural Ontario, we have different needs than in urban Ontario. No one will ever forget that the former Tory government gutted public education and then slapped rural Ontarians in the face by imposing a one-size-fits-all funding formula. That typically Tory move was demoralizing and destructive for students, parents and teachers, and trustees too.

1530

I come from a part of Ontario that has more farm fields than tall buildings and I want you to know that people need to hear more about what we've done to address the needs of Ontario. Can you tell me what the plan is to move forward in addressing the ongoing concerns about education funding, especially in rural Ontario?

**Hon. Kathleen O. Wynne (Minister of Education):** First of all, I want to thank the member for Peterborough for his question. I know the member for Peterborough fights every day for the kids and the schools in his riding—absolutely. And I know he was very, very happy when the previous minister went to Peterborough during the first week of school to announce 130 more teachers for the two boards in his riding.

Let me say this: We recognize that the one-size-fits-all formula that was developed by the previous government needs to be changed, because it's unrealistic to expect that the idiosyncrasies of one part of this vast province would be exactly the same as the idiosyncrasies of the school system in another part of the province. So what we have done is create special-purpose grants. Rural boards are projected to receive \$125.1 million in new investments in 2006-07, bringing their total funding to \$3.2 billion. That's a significant increase over what they've had. Under our government—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary. The member for Northumberland.

**Mr. Lou Rinaldi (Northumberland):** Minister, I also share boards with the member for Peterborough. There's no doubt that my community has concerns about the funding formula, but they know that this government believes in public education because we have made in-



vestments in the system. The boards in my riding have received more than \$64 million in funding increases over what they received from the former government, and there's no more cutting and no labour unrest. Test results are up. Kids in junior grades have smaller class sizes so they can get the attention they deserve. The changes you've mentioned already are making a big difference in my riding. I want to tell you that the students in my riding showed a marked improvement in their test scores. Scores went up by an average of 10% in the public and 12% in the Catholic.

Minister, can you provide some more details for my constituents so that they know what else is going to be reviewed with respect to the funding formula?

**Hon. Ms. Wynne:** I just want to finish that the rural boards—and I know the member for Northumberland has the same situation. We've increased funding by about \$1,800 per student. So that's a significant increase for rural students.

I want to congratulate the Kawartha Pine Ridge District School Board and the Peterborough Victoria Northumberland and Clarington Catholic District School Board for their fantastic test results. The increases have been very, very significant, and that means that all the parents, the teachers and the students have been working together, because the only way that students improve is to have everyone in the community working together.

I've said a couple of times this week that the funding formula is a work in progress. That is what the Premier has said and that is what the previous ministers have said. We recognize that there's more work to be done, and I want to reassure the member and his community that we are working on that in the same way that we have in previous years, by introducing the school foundation grant. We recognize that the categories that were put in place under the Conservative funding formula need to be transformed into a—

**The Speaker:** Thank you, Minister. New question.

#### FISH AND WILDLIFE MANAGEMENT

**Mr. Norm Miller (Parry Sound–Muskoka):** I have a question for the Premier. During the last election campaign, you and your party made a written promise to the people of Ontario. To remind you about that, I'd like to quote it: "In government, we will give MNR the resources it needs to once again properly manage Ontario's fish and wildlife."

I'm hearing differently from people and groups around the province. For example, the Credit River Anglers Association, which has put up over \$3 million for stream remediation, fish stocking and habitat restoration, says, "Recent cutbacks by the Liberal government have left the Ministry of Natural Resources in a very sad state of affairs." Another concerned citizen wrote me, "Field and office staff of the MNR whom I've had the privilege of working with for many years are finding it a difficult task to accomplish primary functions and also find it difficult bringing new ideas into the ministry." Ontario Out of

Doors says, "MNR is not doing its job of looking after our natural resources because the provincial government has cut its funding to the point where proper maintenance has become impossible."

When will you honour your promise to properly fund the fish and wildlife programs in the province?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** For the Minister of Natural Resources.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I have to say to the member, first of all, that I'm very proud of the achievements we've made in the ministry since I've been there. One of the achievements I'm particularly proud of is re-establishing our fishing zones based on an ecological structure that really makes sense. So we have these ecological climactic zones now that are going to simplify the regs but also I think manage the resource, protecting the biodiversity in each of those regions. I think what's going to be very important is that, through the simplification, we're going to be encouraging more people to go out and embrace the wonderful activity that angling is. It's not only about catching fish; it's about getting into the great outdoors and appreciating the environment. I think that's very important for everyone, and we're very proud of those achievements.

#### PETITIONS

##### SCHOOL FACILITIES

**Mr. Jim Wilson (Simcoe–Grey):** I want to thank Milva Biffis and Gaynor McLeary for sending me this petition.

"To the Legislative Assembly of Ontario:

"Whereas the parents of St. Paul's elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

"Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul's elementary school; and

"Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

"Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Education immediately deem St. Paul's elementary school prohibitive to repair, secure immediate funding and begin construction of a new



facility so that the children of St. Paul's can be educated in a facility that is secure and offers them the respect and dignity that they deserve."

As I've said in the House before, my mother taught at this school for some 33 years and I attended it from kindergarten to grade 8.

### OAK RIDGE CORRECTIONAL FACILITY

**Ms. Shelley Martel (Nickel Belt):** I have a long petition that's been sent to me by inmates of the Penetanguishene Mental Health Centre so I'll ask for your indulgence for me to read it into the record, please. It reads as follows:

"Whereas inmate/patients in the maximum security facility at the Oak Ridge division of the Penetanguishene Mental Health Centre in Penetanguishene, Ontario sent a petition to the Minister of Health on March 1, 2004 requesting a full and proper investigation into the conduct and actions of Dr. Brian Jones, the chief of the forensic division, for repeatedly subjecting them to harassment, provocations, abuse (emotional and psychological), and violations of their lawful rights; and

"Whereas the petition from the inmate/patients stated that they were confident a full and proper investigation would reveal a definite pattern of incompetence, negligence, and malicious and intentional actions toward them which the administrator and his chief psychiatrist had ignored for years; and

"Whereas the petition from the inmate/patients stated that the psychiatric patient advocate office, at both Oak Ridge and in the Kingston Psychiatric Hospital where Dr. Jones was employed between 1992 and 2000, had investigated numerous complaints against him but had failed to recognize a pattern of abuse because they treated the incidents as separate matters; and

"Whereas the petition from the inmate/patients stated that in the three years that Dr. Jones had held the position as chief of the forensic division, he had eroded therapeutic relationships, destroyed trust levels, and left both staff and inmates in a demoralized state; and

"Whereas the Minister of Health ignored the petition and permitted Dr. Jones to continue at Oak Ridge in the position of chief of the forensic division; and

"Whereas the Minister of Health ignored evidence from his own police records that in 1991 Dr. Jones had unlawfully disclosed confidential information about inmate/patients at Oak Ridge in violation of three subsections in section 35 of the Mental Health Act for the purpose of conducting character assassinations against them, which should have resulted in the termination of his employment; and

"Whereas the Minister of Health ignored further evidence from his own records that Dr. Jones was investigated by the RCMP at the Kingston Psychiatric Hospital in March 1996 and found to have unlawfully opened and damaged inmate/patient mail, which should have resulted in the termination of his employment; and

"Whereas Dr. Jones has continued to violate the lawful rights of the inmate/patients at Oak Ridge by adopting security policies from jails and prisons rather than hospitals without the involvement of his own security staff, by removing their legally operative parts to suit his personal whims, by approving and implementing them without scrutinizing by lawyers or authorization from Queen's Park, and by using them as tools to harass and abuse the inmate/patients;

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"We, the undersigned inmate/patients at Oak Ridge, hereby petition members of the Legislative Assembly to require that the Minister of Health act in the public interest and prevent any further abuses and violations of our lawful rights by terminating the employment of Dr. Brian Jones and directing a review of all policies at Oak Ridge by members of the legal profession."

I have affixed my signature to this.

### ACCESS TO HEALTH CARE

**Mr. Tony Ruprecht (Davenport):** I have received a petition in support of family health teams. It's addressed to the Parliament of Ontario and it reads as follows:

"Whereas the people of Ontario deserve a universal, high-quality public health care system; and

"Whereas numerous studies have shown that the best health care is that which is delivered close to home; and

"Whereas the McGuinty government is working to increase Ontarians' access to family doctors through the introduction of family health teams that allow doctors to serve their communities more effectively; and

"Whereas the McGuinty government has fulfilled its promise to create new family health teams to bring more doctors to more Ontario families;

"We, the undersigned, petition the Legislative Assembly of Ontario to support the McGuinty government's efforts to improve access to family doctors through innovative programs like family health teams."

Since I agree with this petition, I am delighted to sign it as well.

### WATER QUALITY

**Mrs. Julia Munro (York North):** "To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and



"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

As I am in agreement with this, I affix my signature.

### PARALEGALS

**Mr. Michael Prue (Beaches–East York):** I have a petition that reads as follows—and I think it's appropriate, given that this was before the Legislature today:

"To the Legislative Assembly of Ontario:

"Whereas Bill 14, schedule C, proposes the regulation of all paralegals under the authority of the Law Society of Upper Canada (LSUC). The Legislative Assembly of Ontario is being asked to refrain from passing the proposed regulation of paralegals as defined in this bill.

"We, the undersigned, hereby petition the Legislative Assembly of Ontario as follows:

"(1) Remove schedule C from Bill 14;

"(2) Develop a self-funded organization focused on managing and educating paralegals of Ontario that is independent of the LSUC;

"(3) Have the Legislative Assembly of Ontario recognize the areas of law paralegals currently practise in and provide them with the legal right to continue under the independent body."

I will affix my signature thereto.

### TRADE DEVELOPMENT

**Mr. Bob Delaney (Mississauga West):** It's my pleasure to read a petition to the Ontario Legislative Assembly of Ontario that was given to me by some of the brothers and sisters of the Canadian Auto Workers in Brampton. It's signed by a group of people from Concord, Woodbridge, Brampton, Alliston and throughout the 905 belt. It reads as follows:

"Whereas more than 260,000 Ontarians make their living and support their families through their careers in the auto industry in Ontario, which has become the pre-eminent manufacturer of motor vehicles in North America; and

"Whereas Canada imports more than 130,000 vehicles annually from the Republic of Korea, which imports virtually no vehicles or parts from Canada and does none of its manufacturing or assembly in Ontario or in any other Canadian jurisdiction, even though Canadian auto workers make the best-quality, most cost-effective vehicles in the world; and

"Whereas the government of Canada aims for a free trade agreement that would include the Republic of Korea in 2006, does not address the structural trade imbalance in the auto sector, and includes no measures to

require Korea to reduce tariff and non-tariff barriers to Canadian-made vehicles, auto parts and other value-added services or components;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario insist that the government of Canada either cease free trade discussions with the Republic of Korea or make any proposed agreement contingent on fair and equal access by each country to the other's domestic markets in manufactured products such as motor vehicles and in value-added services, and ensure that Korea commits to manufacturing vehicles in Canada if Korea proposes to continue to sell vehicles in Canada."

Speaker, it makes perfect sense. I'm pleased to support this petition and to ask page Norah to carry it for me.

### FREDERICK BANTING HOMESTEAD

**Mr. Jim Wilson (Simcoe–Grey):** "To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead, located in the town of New Tecumseth, is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth, under the leadership of Mayor Mike MacEachern and former Mayor Larry Keogh, has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture and the Liberal government step in to ensure that the Banting homestead is kept in good repair and preserved for generations to come."

I want to thank Dr. Robert Banting for sending that to me. Dr. Banting is from Niagara Falls.

### TRADE DEVELOPMENT

**The Acting Speaker (Mr. Joseph N. Tascona):** The Chair recognizes the member from Perth–Middlesex.

**Mr. John Wilkinson (Perth–Middlesex):** Thank you, Mr. Speaker. Good to see you in the chair.

"Petition to the Ontario Legislative Assembly:

"Fair Auto Trade with South Korea

"Whereas more than 260,000 Ontarians make their living and support their families through their careers in the auto industry in Ontario, which has become the pre-eminent manufacturer of motor vehicles in North America; and

"Whereas Canada imports more than 130,000 vehicles annually from the Republic of Korea, which imports virtually no vehicles or parts from Canada and does none of its manufacturing or assembly in Ontario or in any



other Canadian jurisdiction, even though Canadian auto workers make the best-quality, most cost-effective vehicles in the world; and

"Whereas the government of Canada aims for a free trade agreement that would include the Republic of Korea in 2006, does not address the structural trade imbalance in the auto sector, and includes no measures to require Korea to reduce tariff and non-tariff barriers to Canadian-made vehicles, auto parts and other value-added services or components;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario insist that the government of Canada either cease free trade discussions with the Republic of Korea or make any proposed agreement contingent on fair and equal access by each country to the other's domestic markets in manufactured products such as motor vehicles and in value-added services, and ensure that Korea commits to manufacturing vehicles in Canada if Korea proposes to continue to sell vehicles in Canada."

Mr. Speaker, I'm proud to affix my name.

#### SCHOOL FACILITIES

**The Acting Speaker (Mr. Joseph N. Tascona):** The Chair recognizes the senior member from Simcoe–Grey.

**Mr. Jim Wilson (Simcoe–Grey):** And getting more senior all the time.

"To the Legislative Assembly of Ontario:

"Whereas the parents of St. Paul's elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

"Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul's elementary school; and

"Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

"Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Education immediately deem St. Paul's elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul's can be educated in a facility that is secure and offers them the respect and dignity that they deserve."

Again, Mr. Speaker, I want to thank Milva Biffis and Gaynor McLeary for sending me that on behalf of the parents and children of St. Paul's.

1550

#### GO TRANSIT TUNNEL

**Mr. Tony Ruprecht (Davenport):** I have a petition in support of tunnelling an area just south of St. Clair and doing away with that old, dilapidated bridge. The petition is to the Parliament of Ontario, the minister of infrastructure services and the Minister of Transportation. It reads as follows:

"Whereas GO Transit is presently planning to tunnel an area just south of St. Clair Avenue West and west of Old Weston Road, making it easier for GO trains to pass a major rail crossing;

"Whereas TTC is presently planning a TTC right-of-way along all of St. Clair Avenue West, including the bottleneck caused by the dilapidated St. Clair Avenue-Old Weston Road bridge;

"Whereas this bridge," which is really an underpass, "will be: (1) too narrow for the planned TTC right-of-way, since it will leave only one lane for traffic; (2) it is not safe for pedestrians (it's about 50 metres long). It's dark and slopes on both east and west sides, creating high banks for 300 metres; and (3) it creates a divide, a no man's land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

"Therefore we, the undersigned, demand that GO Transit extend the tunnel beyond St. Clair Avenue West so that trains will pass under St. Clair Avenue West, thus eliminating this eyesore of a bridge with its high banks and blank walls. Instead it will create a dynamic, revitalized community enhanced by a beautiful continuous cityscape with easy traffic flow."

Since I agree, I'm delighted to sign this petition.

#### ANSWERS TO WRITTEN QUESTIONS

**Mr. Jim Wilson (Simcoe–Grey):** I just want to bring to your attention and the attention of the assembly that there are two questions standing in my name on the order paper, question 183 and question 184. Given that today is the international Right To Know Day, I believe the answers from the government to those questions are overdue.

**The Acting Speaker (Mr. Joseph N. Tascona):** I want to remind the Premier and the Minister of Transportation that they're required, under standing order 97(d), to provide answers to written questions within 24 sitting days. The responses are now due, and I would ask that you give the House some indication as to when the answers will be forthcoming. If I could direct this to the deputy House leader, if he could advise the House when the answers to the questions for the Premier and the minister will be forthcoming.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I don't know what the questions are, but I'll make sure that the appropriate ministers are made aware, and response will be provided.

**The Acting Speaker:** Thank you.



## NOTICE OF DISSATISFACTION

**The Acting Speaker (Mr. Joseph N. Tascona):** Pursuant to standing order 37(a), the member for Timmins–James Bay has given notice of his dissatisfaction with the answer to his question given by the Minister of Education concerning French-language schools. This matter will be debated today at 6 p.m.

## BUSINESS OF THE HOUSE

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I'd like to rise, pursuant to standing order 55, and give the Legislature the business of the House for next week:

On Monday, October 2, in the afternoon, third reading of Bill 43, the Clean Water Act, and in the evening, third reading of Bill 51, the Planning and Conservation Land Statute Law Amendment Act.

On Tuesday, October 3, second reading of Bill 124, the Fair Access to Regulated Professions Act, and in the evening, third reading of Bill 43, the Clean Water Act.

On Wednesday, October 4, in the afternoon, it will be an opposition day. I don't have who it's going to be standing in the name of, but it's from the official opposition. I regret to inform you that we will not be sitting on Wednesday evening.

On Thursday, October 5, in the afternoon, third reading of Bill 14, the Access to Justice Act.

## ORDERS OF THE DAY

MORTGAGE BROKERAGES, LENDERS  
AND ADMINISTRATORS ACT, 2006LOI DE 2006 SUR LES MAISONS  
DE COURTAGE D'HYPOTHÈQUES,  
LES PRÊTEURS HYPOTHÉCAIRES ET  
LES ADMINISTRATEURS  
D'HYPOTHÈQUES

Resuming the debate adjourned on June 14, 2006, on the motion for second reading of Bill 65, An Act respecting mortgage brokerages, lenders and administrators / Projet de loi 65, Loi concernant les maisons de courtage d'hypothèques, les prêteurs hypothécaires et les administrateurs d'hypothèques.

**The Acting Speaker (Mr. Joseph N. Tascona):** Further debate? The Chair recognizes the member from Pickering.

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** Thank you, Mr. Speaker, for the opportunity to enter into the debate in respect to Bill 65, the Mortgage Brokerages, Lenders and Administrators Act.

It's a pleasure to be able to lead off debate on this second day of debate in the new session, as the first day of second reading debate occurred during the spring session before the summer break. I want to be begin first

by extending thanks to former the Minister of Finance, Minister Duncan, currently the Minister of Energy, for introducing the bill back in February of this year after some considerable work had been done with the stakeholders—I may comment on it a little bit later—as well as to Minister Sorbara for having led the debate in June, as we entered into second reading and the real, formal debate on the legislation.

If this particular piece of legislation, Bill 65, is passed, it will repeal the previous act, which dates back now to the 1970s, putting this updated legislation in its place. Clearly, after some 30-odd years, it's an appropriate time to be able to see new legislation, updated legislation, that better reflects today's marketplace.

The new proposed legislation aims to achieve three key objectives. The first of those would obviously be to improve consumer protection, the second to enhance and modernize various financial regulations around mortgage brokerage, mortgage brokers, mortgage agents and mortgage lending in general. As well, it will encourage greater competition and provide more choice for consumers.

It's clear that consumers deserve the highest standards from financial service professionals. With the role of mortgage brokers expanding in the province of Ontario, it's the right time to modernize Ontario's regulatory framework in order to strengthen both consumer and investor protection.

The updated rules being proposed in the legislation will include the introduction of administrative penalties—late filing fees—to encourage compliance. Mortgage brokers themselves would be responsible for properly supervising their brokers, agents and all persons engaged in activities related to mortgage lending, subject to the various regulations that will come with the legislation, and brokerages will be required to be licensed with FSCO.

A separate review is currently under way—not yet completed—in respect to the educational standards that will be imposed on both brokers and agents. In addition to updating some of the rules and regulations, and the putting in place of a more formal and structured educational package, the activities that would be regulated under the proposed legislation include matters such as dealing in mortgages directly, trading in mortgages, carrying on the business of lending money on the security of real property and carrying on the business of administering mortgages on an ongoing basis in the province of Ontario.

The proposed act would restrict the use of the titles “mortgage brokerage,” “mortgage broker,” “mortgage agent” and “mortgage administrator”—and their French equivalents—to persons and entities that are licensed to do such under the act. It would restrict those who might use those titles in an inappropriate way and indicate to the public that they can provide service that they're not entitled to.

Corporations, partnerships, sole proprietorships and other prescribed entities that carry on the business of dealing in mortgages, trading in them or lending money



are required to have a brokerage licence. Those that carry on the business of administering mortgages are required to have a mortgage administrator's licence. However, there are some exemptions to that. Recognized financial institutions, primarily banks and their employees, would be exempted from the requirements of licensing; they're already regulated under separate legislation.

As many of you will be aware, this particular piece of legislation would create some significant change to the means by which mortgages are managed in the province of Ontario.

**1600**

By the beginning of our mandate in 2003, the Canada Mortgage and Housing Corp. found that approximately 26% of Ontario homebuyers, or roughly one in four, are now using the services of a mortgage broker. I might speculate that a decade or two ago that might have been one in 10, one in 15. With a housing market that's booming and financial service marketplaces continuing with strong growth, homebuyers today either purchasing or renewing mortgages have multiple options available to them and are becoming increasingly savvy about the financing of their home purchases or their mortgage renewals. Minister Sorbara mentioned to members back in June that an increasing number of Ontarians are turning to mortgage brokers to make what is likely the biggest financial decision of their lives.

In line with our government's continuous efforts to improve the lives of Ontarians and strengthen our economic advantage, I want to stress today the importance of modernizing the Ontario Mortgage Brokers Act to modernize its regulatory framework and to strengthen, along with Ontario's economy, consumer and investor protection.

In 2004, the finance minister announced our intention to review the outdated Mortgage Brokers Act. By June 2004, the then parliamentary assistant and current Minister of Citizenship and Immigration, Mike Colle, released a consultation paper entitled *Improving the Mortgage Brokers Act*. That was a step to ensure that we consulted with the public, and particularly with those stakeholders who have the most at stake in this particular initiative.

By the fall of 2004, some two years ago, round-table discussions with consumers, mortgage brokers, lawyers, real estate brokers and the banks were undertaken, and by December 2004, the economic affairs and policy committee of cabinet provided direction to the Ministry of Finance to prepare draft legislation and regulations for public comment. All of the aforementioned bodies are and were in support of the ministry's intention to modernize this particular piece of legislation and its regulations, and they alerted us against potential duplication of educational standards and of regulatory requirements and particular compliance burdens. We have taken those warnings seriously during the consultations and addressed both of those within the proposed legislation. Moreover, after hearing clearly from the public, we released a further consultation draft in the spring of last year for further review by the public.

Careful thought and consideration has been put into this particular piece of legislation. After two years of extensive consultation, the act demonstrates the collaborative efforts that we've been making, as a government, with the public and stakeholders on this legislation, reflective of the same consultation efforts on other pieces of legislation.

To this point in time, the legislation has the support of the Canadian Institute of Mortgage Brokers and Lenders, the Independent Mortgage Brokers Association of Ontario, the Ontario Real Estate Association, the Law Society of Upper Canada, and the Ontario Bar Association. This truly is a success story in regard to having the support of both government and key stakeholders in this legislation.

If the legislation, as proposed, is approved and enacted, it would mean removal of a number of outdated rules that have restricted economic activity in the mortgage area. Removing current restrictions means encouraging greater competition and innovation, on top of improving the services, the products and the pricing of mortgages.

Finally, as Minister Sorbara said at the beginning of the summer, various administrative penalties proposed would be in line with modern enforcement mechanisms to ensure compliance with the act, and they'd be set up so that the superintendent of FSCO would be able to impose such penalties or apply to the court to appoint a receiver or trustees to do so if there were major contraventions to the legislation.

As the parliamentary assistant, I'm very pleased with the work that's being done by the ministry and the minister's staff with respect to this piece of legislation and getting this to where we are, and with the effectiveness of the consultation process which we undertook. I want to thank the efforts of FSCO in providing important advice on the development of this particular legislation. I'm optimistic that the legislation will receive the support of many, if not all members of this House, and that should the legislation go to committee, and I expect that it would, we'd be able to deal with any outstanding matters at that point in time and ideally see this legislation move forward to adoption and enactment during this mandate.

**The Acting Speaker:** Time for questions and comments. Seeing none, further debate?

**Mr. Michael Prue (Beaches-East York):** Yes, there it is. The clerks are absolutely right: I have one hour. I think all of the members, knowing this is Thursday afternoon, will be joyous to know that I do not intend to take the full hour. But I do intend, within the time allotted to me, which may be up to an hour—

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Fifty-nine minutes.

**Mr. Prue:** The minister and deputy government House leader is asking that I take 59 minutes, so I will take that under advisement. So if I do take the 59 minutes, all members of the House will know that it is on instruction of the deputy House leader.



**Mr. Jeff Leal (Peterborough):** You heard it from him.

**Mr. Prue:** Okay, you heard it from him first, yes.

This bill has been before this House for a long time. It started back last February, some nine months ago, when it was introduced to this House with some considerable fanfare by the minister. From February to June, almost nothing was done. In June, there was some modicum of debate. We heard the lead-off speeches from the government and from the official opposition, and our debate is, of course, taking place today. So I want people who are watching this to understand that this is not a bill that I would consider has any priority with this government. If it has taken from February to June to introduce it and to have the first two speeches, and then if it is put over all of this time, through the summer recess, to be brought back in late September, it certainly does not have a high priority.

I had to question in my own mind why it does not have this high priority for government. You see, this is a bill that has been outstanding now for some 30 years. In 30 years, the Legislature of the province of Ontario has not seen fit—through governments of all political stripes, through governments of all parties, through governments of many, many Premiers and the hundreds, and if not thousands of people who have sat in this Legislature, it has never been a priority. I might suggest that from what is contained within the bill, it is not that much of a priority even to this date.

When I question and when I started to think about why this is not a priority, a few thoughts came to mind. The first one is that there are literally millions of properties in this province—literally millions of properties that are individually or corporately owned that people go out and do all the things you do when you purchase or own a property. What are people concerned about? Are they concerned about or have they been concerned about mortgage brokerage and the rules related to those mortgage brokers? Or are they concerned with other issues that, to me, I would suggest, are probably tantamount in their mind, just some of those that people are interested in in terms of property tax and that I really wish this government would turn its attention to? And I'm going to deal with the substance of the bill very shortly.

I think they should be turning their attention to property taxes. They should be turning their attention to how many property taxes people are paying, whether those property taxes are fair, whether they're assessed properly, whether MPAC, which oversees all of this on behalf of the government is doing a good job. They should look at whether there is volatility in the housing market that causes rates to spike and people to lose their homes. They should be looking at the basic tenets of unfairness that exist within the property tax system. To my mind, that would be a bill that ought to be heard, and anybody who owns a property in this province would, I'm sure, like to see a bill dealing with that far more than this bill dealing with mortgage brokers and lenders. I also

have to think what else property owners want to see. They want to see something about the land titles fraud. They want to see about people being ripped off of their homes.

1610

When I opened up my paper this morning, the Toronto Star, which is the paper I read—sometimes I have to question myself why I read it, because it infuriates me so often, but I do read that paper literally every morning, in spite of its obvious Liberal bias. I read that paper and there on one of the front pages—I'm not sure whether it was the GTA section or the front page—was a lawyer in Ontario, in the town of Barrie, who has been arrested for exactly this: for a land titles fraud, trying to rip the property off and to put a mortgage onto the property of someone who works for him.

This is a huge issue. If you look through the last couple of months in Ontario, you will see that seniors and others are being ripped off by a system that allows people unscrupulously, illegally, dishonestly and immorally to go in and try to take their properties, and there is nothing in the law at this point that will stop that from happening. Now, I live in hope. I have heard what the minister responsible has had to say. I have listened to him, and he has said there is legislation coming, but for my mind, it must come sooner rather than later.

I can only speak of a constituent who came into my office last Friday to see me on an issue that was not related to that, but just passed me the form she had received from MPAC telling her that the owners of her house were someone other than herself. I have to tell you, my heart jumped. It skipped a couple of beats. I looked at it and I thought, "Oh no, this lovely woman in her 80s may be the subject of mortgage fraud." It did take me some two hours to find out through MPAC, from the city of Toronto, from all of the phone calls that my capable staff made, that in fact it was a clerical error. I was relieved to find that out, because this is an incident that is happening time after time.

People are also worried about a third thing when they own property and that is the fluctuating mortgage rates that the banks and credit unions and other people are able to charge—sometimes at usurious rates, sometimes not, but those rates really deviate a lot from prime to a percentage or two over prime, which people who have good lending records can get, to sometimes 15%, 20% and 30% that people who do not have that credit rating are forced to accept. There's a whole issue upon the fairness of all that as well.

When people buy a property, of course they're worried about zoning, about official plans, about the banks and the costs of their mortgages. They're worried about all of those things. But I must be blunt and honest: In my 18 years in both municipal politics and in this House, I have never had anyone, before this was raised in February, come to me and say, "We need to change the Mortgage Brokerages, Lenders and Administrators Act." Not the mortgage brokers themselves—they've been since, but not once before then did I ever get any call



from any of them, nor from anyone who required their services, anyone who felt ripped off, anyone who thought that the system could be improved. Quite literally, this was not first and foremost in the public's mind and absolutely was not first and foremost in the mind of those people who owned the two or three million properties that exist and that are catalogued in the land titles survey of Ontario.

We have here the Mortgage Brokers Act. As I said earlier, it's not been updated in 30 years. We grant you that there's some necessity of updating every act in Ontario in a more timely fashion—this one is not excludable—and that most of the groups accept the basic tenets that have been put into it.

I want to confine my statements to some of the problems I see in the act, and I hope these will be resolved when and if—and I understand this is going to the finance committee—it goes before the finance committee of this Legislature. These are some of the concerns that I have. I'm stating quite openly and upfront that I am a member of the finance committee. I expect to sit on this. I want to make sure that these are understood by the members, particularly on the government side of this Legislature, so that when people come forward and talk about these things you're given a heads-up and you understand that there are some fundamental flaws that may—I'm not saying do—exist in this legislation to which you're going to have to be particularly attentive.

I listened to the member for Pickering-Ajax-Uxbridge. As always, as a former mayor, he speaks with some wisdom; I have known him for many years. He said that there were three basic goals of this legislation. I wrote them down as fast as I could. The first was for consumer protection, the second one was for regularization of the exact statute and the third one was for better competition within the process. I trust I got those down right. He's nodding his head; I did get them down right. Those are what this bill hopes and attempts to do in its passage, so in that vein I want to talk about those three things that we hope to accomplish and how this bill may or may not be heading in the right direction to accomplish them.

We are concerned with the content of the bill. We are concerned that the actual education and expertise required to obtain the licences, as set out in the statute, to be issued by the superintendent of financial services—(1) a brokerage license, (2) a mortgage broker's licence, (3) a mortgage agent's licence and (4) a mortgage administrator's licence—are to be determined outside the four walls of this Legislature. That is, they are to be set in law by regulation, so that anyone reading this bill, anyone looking at it, will know that what is required to get any of these four licences is not set by statute. It is set quite literally by the whim of the minister who is in charge at the time of the issuance of the licence. So if a minister today determines that you have to have, for example—this is only an example—a university degree plus some law school experience and/or an LLB from a recognized university in Ontario, or you had to have

practised law for a number of years, or you have to have been working for someone else in the field in a capacity as an apprentice for three or four years, that would be what was required. If a minister two or three years after that or in a subsequent election or from another party determines that all you need to do is hang out your shingle and never have gone to jail for mortgage fraud, well, then that would be the requirement as well.

We think that this is important. Of all the expenditures that a person will make in his or her lifetime, the purchase of a house is probably the most important and is undoubtedly—unless you're buying a Porsche or Ferrari—the most expensive cost in your entire life, and when you spend that money you want to make sure that the people who are handling it, the people who are licensed to do it, have the necessary qualifications. I am stating that this should be enshrined in the legislation. It should not be at the whim of this minister or a subsequent minister or a minister 20 or 25 years later, because this isn't going to be reviewed, likely, for another 30 years as well. It's one of those pieces of legislation where it's going to be a long time before it's looked at again. It should be set, in our opinion, in the statute. It is not sufficient to simply be at the whim of whatever minister is in power at the time.

We want to emphasize that what has happened in the past—and I have to tell you that I am somewhat saddened at what has happened in my limited tenure over five years in this House. I remember the great fanfare the day that all three parties unanimously voted on a bill, quite unexpectedly gave it third reading in this House, to give rights to the certified general accountants and the accountants and the CMAs and all the other people who did accounting practices. It was quite a heady day. The Conservatives, who were on the government side of the House, the Liberals, who were in official opposition, and the New Democratic Party, as the third party, all gave voice vote and passed on that day a bill that would give authority to set up a single standard in Ontario, and this government set up the commission that went about doing it.

1620

I have to say that, frankly, I am disappointed, because what you did is you set it up that the group of people who were the most senior, the group of people who had the best opportunity, the best education, and certainly the government ear, made the regulations. What we see today is a very sad reaction, because you delegated it down, which is the same thing you're doing in this bill, by the way. That's the point I'm trying to make.

What you're suggesting be delegated or be self-regulatory in this bill to the mortgage brokers is the same way you dealt with the accountants in Ontario. When the dust cleared, which was only recently, what happened was that the existing standards established by the CAs, the chartered accountants, the old boys, the big guys—what they had established as the standards were pretty much maintained. So all that heady thing that we did in the last government, that bill that we passed trying to bring



together CMAs, CGAs and CAs under one roof, one standard, one body, one accounting practice in Ontario that most of the other provinces have had for generations, has been, I'm afraid to say, for naught.

If that's what you're attempting to do in this bill, if you're attempting that the mortgage brokers, the lawyers and all the hangers-on, the banks, the credit unions, the trust companies and everybody else sit down, make the rules and police themselves and only the strongest ones survive, and what they're trying to do in their own best interests is the way the law becomes because it's self-regulatory, I'm afraid that is very wrong.

I want to quote what the Attorney General had to say on the accounting bill, Bill 94, because I think it was instructive. It's what I want you to do on this. I don't want you to do what you did. I want you to do what he said you were going to do, and he said it quite succinctly and correctly. He said to the Legislature that it would "create a new structure that favours fairness and competition without compromising Ontario's public accounting standards." That was the promise that was made, and he went on to say, "The licensing system is a cornerstone of the reform package that will provide access to licences to a broader range of accounting professionals, consistent with the public interest and maintaining the high standard of which Ontario proudly boasts."

The reality, though, is that that has not happened. You have set up a regime in which that could not happen. You have done that by ministerial fiat, not by legislation. So everything that was promised in this House and everything that the opposition parties agreed with and voted for unanimously and supported has not happened. Now you ask us to trust you on this one, and I have to say that what you've done in the past I do not want to see repeated.

What you have done to the accounting practice of Ontario cannot be repeated to the mortgage brokers at all. If you are going to do the right thing, have the intestinal fortitude to put it in the legislation and do it right. Do not leave it up to the powerful groups within the mortgage industry to set the rules and do what they want for their own benefit. Set it up so that it is done for the benefit of all; in particular, for the consumers of Ontario.

I also have to talk about some of the other stuff that should be in this act and is not in this act. My friend from Pickering-Ajax-Uxbridge talked about consumer protection. I agree that consumer protection is a wonderful thing and that we should be looking to do that each and every day in this Legislature. But the reality is, how can the consumer be protected when there is no provision in this bill for consumer education? There is not one dime put forward. There is not a single statute. There is not a single provision. There is absolutely not one mention of consumer education.

How are consumers to know what their rights are if they think they're being ripped off by somebody in the mortgage business after this bill is passed? How do they know what their rights are if they think the bank, a trust company or an individual is charging usurious interest?

How do they know what their rights are in order to protect themselves if they think they are the victim of mortgage fraud? How do they know what their rights are if they think that somebody has acted improperly? It's simply not there.

I am suggesting to you that if you want this bill to succeed, you need to do more than simply say that this is going to increase consumer protection, because it is not. Without the consumer knowing what the law is, without the consumer knowing what his or her abilities are to challenge that or a place to go to challenge it or a government agency that will look after it, this bill is certainly not adequate. Consumer education is an essential part of protecting the average citizen from unscrupulous actions by mortgage professionals, by literally anyone who claims to be, rightly or wrongly, a mortgage professional.

I want to talk for a couple of minutes about the exemptions, because I'm troubled by them. I don't know whether they've existed for a long time or whether there's a rationale in the bill, but I certainly want to hear from the government members as to the exemptions, either in debate—and I don't know that there will be any here today, but certainly if there is none here today, at least at the committee stage, or at least some papers leading up to the committee stage.

I question why our financial institutions and their employees are exempted. We've just witnessed in the United States a plethora—a huge number, a gross number—of people going to jail over the Enron scandal, not only the company but the financial institutions involved with the company. We've seen many people in that country and in ours over the years involved in financial institutions who have not acted in strict accordance with their duties and have found themselves in huge troubles with the law. I need to know and I think consumers need to know the rationale this government has for exempting financial institutions and their employees.

People also need to know why you've exempted persons and entities that provide simple referrals. Why are these people exempted? Why are they not subject to the law or to licensing? We need to know, if people are going to be making a living or are going to accept money for referrals, why they are exempted as well under this process.

Last but not least, lawyers appear to be exempted as well. Mr. Speaker, I have a high regard for the legal profession, of which I know you are one. Again, I couldn't help but see, having opened up my Toronto Star this morning, that a legal professional in the town of Barrie—

**Mr. Leal:** Barrie?

**Mr. Prue:** In the town of Barrie, yes.

**The Acting Speaker:** Now it's a city.

**Mr. Prue:** In the city of Barrie. Excuse me, Mr. Speaker, you are correct—was inside a police car, in custody, on his way to court. His picture was snapped. He was a person who would be exempted under this law. He has been charged with—I'm not saying he's guilty, not for a minute, because I believe in the laws of this



province and of this country—allegedly embezzling from one of his employees and doing a mortgage fraud for \$165,000. I believe that the overwhelming majority of lawyers in this province are honest, but I have to question this. They involve themselves with huge amounts of money, with mortgages, with the transfer of funds into the millions, if not billions, of dollars collectively, each and every year. We need to know, we need to have an answer as to why these professionals are exempted from a licence or from the requirement to be licensed so that they can be monitored and subject to the licence provisions. Nothing is in there to explain why you've exempted them, and I think the public needs an answer. There may in fact be an answer, but I have not seen it.

Last but not least is the whole question of foreign ownership. Under the act that this replaces, there were some stringent guidelines to protect Canadians from the overt influence of foreign ownership. Under this particular act, that has been taken away, so that no longer is foreign ownership involving mortgage transactions involving land outside of Ontario or Canada a provision that can be covered here. I have to tell you that this is troubling to many citizens. I am not sure as to the rationale. In fact, there could be a rationale, but it is not easily understood within the four corners of this act, nor has it been explained by the government in the various statements made in this House. I ask you to look at those provisions and whether it is in the best interests of Ontario, whether it is in the best interests of Canada, whether it is in the best interests of the individuals who are buying property to allow foreign ownership of the properties, of the mortgage rights and of the mortgagees, and whether it is in our best interest to let that slip away.

1630

Certainly, the debate over foreign ownership in Canada is a long one. It is ultimately a debate that brought me into politics in my early life, when I was a teenager. It was something that captured my imagination then, as it does even to this day. Is it correct and is it right that people who are not Canadians, who are not residents of this province, are allowed to amass properties, own properties, control the financial institutions, control the lending rates? Is that a correct thing that we want to happen?

Certainly federally we limit the amount of foreign ownership in the banks, or at least we used to. I'm not sure whether that's still the case, but we used to limit the amount that people who were not Canadians could own of our banks. We made that provision for many of our institutions. We made that provision for Air Canada for some considerable period of time. People want to know that institutions that are uniquely Canadian, upon which they rely, are under the control of this government and not of a foreign one.

I need to have answers from this government by the time the committee hearings take place as to why the foreign restrictions have been lifted. If there is a rationale, I would like to hear it. If it is a good one, I would be willing to accept it. But in the absence of that, I have to be, and I think Canadians are, very cautious as to giving

up the sovereignty of our financial institutions to those who do not live here. It is a very slippery slope once you start that.

I would conclude with saying that there are some important things that have to be done. I would concur with my friend from Pickering–Ajax–Uxbridge when he talks about the need for consumer protection. I want to see that strengthened within the provision of this bill when this goes to committee. I would agree with him that there is a need to regularize, and that needs to be done when it goes to committee.

Around better competition, I have to question that if better competition merely means opening it to foreign influences, foreign banking, foreign mortgage lenders, foreign ownership of our land, if that's what is meant by better competition, I'm not sure that I can agree with that provision. If there is something else he is trying to say, then we need to hear it.

In conclusion, we ask that this bill go to committee. We will be watching very carefully for the government explanation of a bill which in my view is not screaming out to be passed, which you have not put forward with any great speed and for which there is very little contained within the four walls of the bill itself. We are not content that it be left to regulation. We are not content that the mortgage brokers become subject to some self-regulation if that is going to take the same path and have the same consequences as that which you have imposed upon the accounting profession. Therefore, we offer those as comments and await the public's considerable input when this comes to committee.

**The Acting Speaker:** Time for questions and comments.

Seeing none, further debate?

Seeing none, Mr. Sorbara has moved second reading of An Act respecting mortgage brokerages, lenders and administrators. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

**Hon. Mr. Caplan:** Speaker, I'd ask that the bill be referred to the standing committee on finance and economic affairs.

**The Acting Speaker:** The bill is referred to the standing committee on finance and economic affairs.

Orders of the day.

**Hon. Mr. Caplan:** Over the protest of some of my colleagues, I would move adjournment of the House.

**The Acting Speaker:** When a motion to adjourn the House carries before the usual 6 p.m. adjournment hour, a scheduled adjournment debate—late show—is automatically carried over to the next sessional day on which such debates are held, which is Tuesday. The late show originally scheduled today is carried to Tuesday in the event of passage of the motion to adjourn.

Is it the pleasure of the House that the motion to adjourn carry? Carried.

This House stands adjourned until 1:30 p.m., Monday, October 2, 2006.

*The House adjourned at 1635.*



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Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 2 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 2 octobre 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### GOVERNMENT'S RECORD

**Mr. Jim Wilson (Simcoe–Grey):** Isn't it ironic that Premier McGuinty is marking his three-year anniversary in government by doing a self-congratulatory tour of the province? Here we have the Premier going around, thanking Ontarians for their hard work, when he should be thanking them for putting up with his broken promises and apologizing for his failure to get results for the people of Ontario. This government has completely abandoned any pretence of trying to govern. Instead, we see a government trying to cover its record through a shameful maze of photo ops and political manoeuvrings. This is a government that said anything to get elected and will now say anything to get re-elected.

As even the Toronto Star pointed out on the weekend, "Grand promises to close Ontario's smog-spewing, coal-fired generating plants and keep electricity rates capped at artificially low prices proved unrealistic, while campaigning against 'Americanized' health care and then accelerating private sector involvement in hospitals smacked of hypocrisy."

As John Tory said this morning in Ottawa, parents, seniors on fixed incomes and especially the working poor have felt the stunning impact of Dalton McGuinty's failed promise not to raise taxes. His government's three-year anniversary is marked by a crisis in 20 emergency rooms around the province and no progress on the doctor shortage. Let's be clear: Premier McGuinty's health care plan hasn't helped those waiting in emergency rooms, his broken promises have left commuters stuck in gridlock, and his disregard for community safety has put the security of our streets at risk. With only one year left, Dalton McGuinty should focus on governing, not campaigning, and actually getting some results for Ontarians.

#### HISTOIRE FRANCO-ONTARIENNE FRANCO-ONTARIAN HISTORY

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** Je suis fier d'informer l'Assemblée que le 25 septembre dernier, je me suis rendu à deux événements qui soulignaient la fierté franco-ontarienne.

I went first to the unveiling of the first Monument de la francophonie. This is the first of six such monuments

which will be unveiled in Ottawa. The monuments are in small parks graced with huge Franco-Ontarian flags. In the parks, there are granite monuments on which are written important episodes of the history of francophones in Ontario.

In Ottawa, at the headquarters of le Conseil des écoles catholiques du Centre-Est, over 2,000 people attended the gathering to celebrate our heritage in such a tangible way. Je me suis ensuite rendu à Rockland, où j'ai participé au défilé du 31<sup>e</sup> anniversaire du drapeau franco-ontarien. Environ 1 000 élèves des écoles catholiques de Clarence-Rockland ont défilé dans les rues de la municipalité pour célébrer l'occasion. Les élèves de la sixième à la 12<sup>e</sup> année des écoles de l'Escale et Sainte-Trinité de Rockland, ainsi que ceux et celles des écoles Saint-Mathieu de Hammond et Sainte-Félicité de Clarence Creek, ont emprunté une tradition acadienne, le tinta-marre, afin de démontrer haut et fort leur fierté franco-ontarienne.

This 31st anniversary of the Franco-Ontarian flag is very dear to my heart. As you know, this flag, conceived by Gaétan Gervais, history professor of Laurentian University, was recognized by a unanimous vote in this Legislature on June 21, 2001.

#### LANDFILL

**Mr. Garfield Dunlop (Simcoe North):** I understand that the Premier is embarking on his "Thank you for putting up with my broken promises" tour. Yes, this is the man who will say and do anything to get elected. As you are well aware, the Green Lane landfill is about to receive the garbage of the city of Toronto with the blessing of Minister Peters, Minister Bentley, MPPs Ramal, Matthews and Van Bommel, and of course the Premier, who is prepared to sacrifice the London-area ridings.

What is truly interesting is the manner in which the Green Lane landfill received approval to expand. Immediately after the House adjourned for summer recess last June, Green Lane received approval for a huge expansion. A few days later, the site 41 proposed landfill in the township of Tiny also received draft design approval. Wouldn't you think that a Premier who talks about transparency would have had the courage not to hide behind the summer recess? In a sneaky, secretive manner both site 41 and Green Lane received approval, obviously with the intention that any negative publicity would be covered up by many summer activities.

At a time when Ontarians expect their Premier to protect their valuable water sources, Dalton McGuinty



and former St. Thomas Mayor Steve Peters are finding sneaky ways to approve landfills set upon some of the most pristine water on our planet, like the water below site 41. To make matters even worse, the Liberals held committee hearings on the Ontario Clear Water Act, thinking they could actually fool other Ontarians. Dalton McGuinty will say anything and do anything to get elected. I wonder if he will take his "Thank you for putting up with my broken promises" tour to site 41 and Green Lane.

#### ARTS AND CULTURAL FUNDING

**Mr. Rosario Marchese (Trinity-Spadina):** New Democrats believe that arts and culture are a social necessity and that access to cultural resources is a right for all people. We believe that professional community art and culture are vital to society. They enrich the social and economic fabric of Ontario and foster critical thinking in the development of strong local identity. We believe that it is the government's responsibility to provide stable funding and status to Canadian artists in order to create a climate in which they can excel. What do we mean by "status"? Basically status is about equity, economic and social justice for artists, giving artists the same protections and rights as other citizens—in other words, the same status. In practice it means access to social benefits, collective bargaining rights, health and safety, insurance, training, income protection—bread-and-butter issues for artists to make their lives more secure.

1340

On September 21, we had a meeting at the Ontario College of Art and Design. A hundred or so constituents demanded status-of-the-artist legislation, one that includes and demands collective bargaining rights. In 2003, the McGuinty Liberals promised that within two years, if elected, it would introduce such legislation. Three years later we are still waiting. Call us at 416-603-9664 and let us, together, force the Liberals to keep their promise.

#### ENERGY CONSERVATION

**Mr. Phil McNeely (Ottawa-Orléans):** On September 12 Peter Love, the energy conservation officer with the Ontario Conservation Bureau, presented the Ottawa-Carleton District School Board with a certificate of recognition for their energy conservation efforts. The OCDSB's conservation plan has saved over \$4 million annually for the school board. Through the Ameresco Better Schools Partnership, the board retrofitted a number of schools across the region. Over 100 schools benefited from lighting upgrades that reduce the cost of operating and maintaining their systems.

The board now expects to avoid over \$5 million in annual energy costs for the years to come. It is expected that it will save \$2.6 million in electricity alone each year. That is enough to provide for 5,500 homes, plus enough gas to heat 1,200 homes and enough water to serve 1,100 homes. Not only has the board saved on

energy costs, but I'm very happy to announce that they have cut enough carbon dioxide emissions to fill 11,000 small gymnasiums.

It is through initiatives such as these that Ontario can continue to be a leader in energy efficiency and conservation, which is a commitment that the McGuinty Liberal government has made. Other examples of this commitment can be seen in such programs as the installation of smart meters in all homes and businesses by 2010, as well as through the standing offer program, which will allow hundreds of small local energy producers to get involved in the energy market. I would not only like to congratulate the OCDSB for their efforts, but also the McGuinty government for being a leader in the field of energy conservation and efficiency and promoting these efforts throughout the province.

#### DOCTOR SHORTAGE

**Mr. Ted Arnott (Waterloo-Wellington):** This past week, the Minister of Health and newly minted Deputy Premier tarnished the whole government with his disgraceful and appalling performance inside and outside this House. With bombast, bluster and buffoonery, this minister has taken no new constructive steps towards solving the Ontario doctor shortage. Instead, he has acted more like a pit bull, which I thought the Attorney General had banned last year.

First, he blamed the local hospital officials for the emergency room crisis at Grand River Hospital in Kitchener-Waterloo, and then he blamed the members of both opposition parties, even though today is the third anniversary of the election of the Liberal Party as government and he has been Minister of Health for three years this very month. Then, last Thursday on CBC Radio, he threatened all Ontario hospitals with reductions in their operating budgets if they defied his dictates, after he had said that the Cambridge solution was okay for now, but nobody else had better do it.

Then, on Saturday, he was quoted by the Kitchener-Waterloo Record uttering politically slanderous comments against the member for Kitchener-Waterloo in an unprecedented, unjustified personal attack entirely consistent with the Liberal Party's nasty and failed by-election strategy in Parkdale-High Park.

Having ignored prudent warnings for months about the emergency room problem and the doctor shortage in Ontario, the minister would now want people to believe that he is the hero who kept the emergency room at Grand River Hospital open. However, the Record has it right in their editorial of today when they ask, "Why did he not act earlier?"—all in all, an embarrassing debut for the new Deputy Premier, calling into question the Premier's judgment in making the appointment in the first place.

#### ONTARIO FARMERS

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** In Ontario, summer is synonymous with the



barbecue season. For many, this past summer wouldn't have been the same without some burgers on the grill and corn in the pot. Beef and corn are but two of the fine products that come from Ontario farmers. Those farmers play an essential role in providing many of the fine foods we look forward to, not just during the summer but all year-round. Ontario farmers deserve our appreciation and attention. This government has done more than any in the past many years to support our farmers, with funding for ethanol plants, agricultural research and direct financial support for Ontario farms.

I would, in particular, like to highlight the recently announced \$110 million in funding, of which nearly \$30 million was earmarked for the grains and oilseeds sector, a sector that certainly can use the support. Recently, the Minister of Agriculture visited my riding and took the opportunity to meet face to face with many farmers from the region, allowing them to express their concerns directly to her. In September, I participated in the Lanark county farm tour for the second year and learned that many of the concerns faced by farmers in that region parallel those in my riding. I would like to thank Lanark County Federation of Agriculture president Dave Campbell and Arnprior Federation of Agriculture president Eve Yantha for inviting me to participate.

This government understands that we need farmers and therefore we must support our farmers and encourage our federal counterparts to do the same.

If you ate today, thank a farmer.

### HOSPITAL FUNDING

**Mr. John Milloy (Kitchener Centre):** Over the last several weeks, the Ministry of Health has been working closely with my community's Grand River Hospital to meet challenges facing its emergency department. Despite best efforts, it became apparent on Friday night that there was a possibility the emergency room might temporarily close. To avert such an occurrence, the hospital leadership, government officials and the local medical community redoubled their efforts over the weekend, and I am pleased to report to members that by Saturday night it was clear that the emergency room would stay open.

The Minister of Health personally came to my community to make the announcement and outlined a plan of action to stabilize Grand River's emergency room and begin to address a number of outstanding operational issues at the hospital and within our region's system of emergency care. One such step involved the arrival of a team earlier today from St. Joseph's hospital in Toronto, home to one of the best-run emergency rooms in the country.

I want to personally thank the Minister of Health and all involved for their quick action in resolving the impending closure. Having spent most of the weekend in communication with many of the parties involved, I want to assure members that our government was engaged right from the level of Premier through to the Minister of

Health on down. There was an equal level of commitment at Grand River and within the region's medical community, and all of us owe special thanks to those physicians and other medical personnel who came forward.

There remains much work to be done, but I feel that our community turned a corner over the weekend, and by working together we can ensure full access to emergency services in our area.

### EDUCATION

**Mr. Jeff Leal (Peterborough):** I rise in the House today to speak about the progress this government has achieved in just three short years in education. But before we talk about where we are, we need to remind Ontarians where we were before.

Under the previous Conservative government, our schools suffered. They took \$300 million a year out of the public education system and put it into private schools. They let class sizes spin out of control and infrastructures crumble.

It wasn't just the Conservatives who left education in a state of disrepair. Under the Rae-Hampton government, class sizes increased due to cuts brought in under the social contract. They also said they would increase provincial funding, and then reduced it.

Under this government, we have invested over \$2 billion in new funding for education. This government has built a new foundation with teachers in Ontario. For the first time ever, we have four-year contracts. What this means is that parents and children can rely on a stable and peaceful environment in which to send their kids to school, something they didn't enjoy under the previous government. Class sizes are down in the all-important early grades. We have provided the funding to put a principal in place in every school so that every school has the opportunity for managing and building success. ESL funding is up; funding for students with special needs is up; test scores are up.

I am proud of this government's achievements, and I look forward to a future of progress in the education system in Ontario.

### MOTIONS

#### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, October 2, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."



In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1349 to 1354.*

**The Speaker:** Mr. Bradley has moved government notice of motion number 185. All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Flynn, Kevin Daniel	Peters, Steve
Balkissoon, Bas	Fonseca, Peter	Phillips, Gerry
Bartolucci, Rick	Hoy, Pat	Racco, Mario G.
Bentley, Christopher	Jeffrey, Linda	Rinaldi, Lou
Bradley, James J.	Klees, Frank	Runciman, Robert W.
Broten, Laurel C.	Lalonde, Jean-Marc	Ruprecht, Tony
Brownell, Jim	Leal, Jeff	Sandals, Liz
Cansfield, Donna H.	Levac, Dave	Scott, Laurie
Chambers, Mary Anne V.	Marsales, Judy	Smith, Monique
Colle, Mike	Martiniuk, Gerry	Smitherman, George
Crozier, Bruce	Mauro, Bill	Sorbara, Gregory S.
Delaney, Bob	McMeekin, Ted	Sterling, Norman W.
Di Cocco, Caroline	McNeely, Phil	Van Bommel, Maria
Dombrowsky, Leona	Miller, Norm	Watson, Jim
Duguid, Brad	Milloy, John	Wilson, Jim
Duncan, Dwight	O'Toole, John	Witmer, Elizabeth
Dunlop, Garfield	Oraziotti, David	Wynne, Kathleen O.
Elliott, Christine	Ouellette, Jerry J.	Yakabuski, John

**The Speaker:** All those opposed will please one at a time and be recognized by the Clerk.

#### Nays

Bisson, Gilles	Marchese, Rosario	Tabuns, Peter
DiNovo, Cheri	Martel, Shelley	
Kormos, Peter	Prue, Michael	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 54; the nays are 7.

**The Speaker:** I declare the motion carried.

### WEARING OF RIBBONS AND BRACELETS

**Hon. Mary Anne V. Chambers (Minister of Children and Youth Services):** On a point of order, Mr. Speaker: I would like to ask this House for unanimous consent for members to wear either the purple ribbon or the purple bracelet marking October as National Child Abuse Prevention Month.

**The Speaker (Hon. Michael A. Brown):** The minister has asked for unanimous consent to wear either the purple bracelet or the purple ribbon for National Child Abuse Prevention Month. Agreed? Agreed.

### STATEMENTS BY THE MINISTRY AND RESPONSES

#### AGRICULTURE FUNDING

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** I rise today to remind Ontarians that today marks the beginning of Ontario Agriculture Week. Agriculture Week recognizes the hard

work of Ontario's farmers and the incredible contribution that they make to our province. Ontario farmers produce the best quality food in the world. They and the men and women in their work in the food processing industry contribute to a vibrant world-class industry that generates \$30 billion a year for our economy.

This government is proud to support this important industry. We have increased the budget at the Ministry of Agriculture, Food and Rural Affairs—

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Increased.

**Hon. Mrs. Dombrowsky:** Yes, increased—from \$863 million to \$880 million.

We have provided over \$900 million in emergency assistance through farm income stabilization programs.

We have provided, in partnership with the federal government, \$317 million in support for farmers who have been hurt by the repercussions of BSE.

We have invested \$50 million in the tobacco community transition fund.

We are expanding new markets for farmers through our \$520-million ethanol growth fund, which is already helping to construct new ethanol plants in Cornwall, Hensall and Aylmer, and is supporting existing plants in Chatham and Collingwood.

We are working with the agriculture industry to develop a branding and marketing strategy that will encourage Ontarians to buy local food.

We are investing \$40 million each year in research and innovation to create new opportunities for farmers, and we are rewarding innovation with the Premier's Award for Agri-food Innovation Excellence.

#### 1400

At last month's International Plowing Match, this government announced another \$110 million in new provincial funding to support our farmers. With that money, Ontario became only the second province in Canada to provide its 40% match to the federal dollars that were announced in May. Also, we provided an additional \$10 million in support to Ontario's fruit and vegetable growers, support that the federal government has not provided.

This is the record of a government that cares deeply about the issues facing Ontario farmers, and we are investing the resources to prove it. Our record of consultation and investment stands in stark contrast to previous governments, which cut spending on agriculture, closed field offices, and did not consult agricultural stakeholders on key legislation that impacted farmers.

We will continue to invest in the future of our agricultural and rural communities. We will continue to support growth in innovation and the agrifood industry to make sure our farmers and their families find success. We will continue to recognize and support the important contributions that farmers make to our economy, to our health and to the very spirit of our communities.

I ask my colleagues and the good citizens of Ontario to join me in saluting and supporting our farmers, not just as we celebrate Agriculture Week and Thanksgiving, but throughout the year.



## HEALTHY EATING ALIMENTATION SAINE

### **Hon. Jim Watson (Minister of Health Promotion):**

The McGuinty government is committed to promoting healthy eating in the province of Ontario and to educating all Ontarians about the health benefits of eating fruits and vegetables on a daily basis. Today I'm proud to share the details of one key initiative that we have undertaken to improve the health of children in northern Ontario.

On September 15, I visited Queen Elizabeth Public School in Timmins to announce the launch of the northern fruit and vegetable pilot program. The northern fruit and vegetable pilot program is a key component of our \$10-million healthy eating and active living strategy. Together with the Porcupine Health Unit, the Ontario Fruit and Vegetable Growers' Association, the Ontario Ministry of Agriculture, Food and Rural Affairs, and local schools and school boards in the Porcupine region, we are initiating this pilot program in northern schools.

A project coordinator has been hired, and his first priority will be to recruit schools and review applications for selecting the schools that will participate. There are already a number of schools in the Porcupine region which have expressed interest and want to participate in this pilot project, and delivery of fruits and vegetables is expected to begin in late October.

It's appropriate that I'm giving this statement right after the Minister of Agriculture gave her statement, because this is an opportunity for us to support Ontario produce and Ontario farmers.

Il faut apprendre ou rappeler à plusieurs Ontariens et Ontariennes, les adultes comme les enfants, que la consommation quotidienne de fruits et de légumes est bénéfique pour leur santé. À vrai dire, le Guide alimentaire canadien pour manger sainement recommande un minimum de cinq portions quotidiennes de fruits et légumes, mais des données récentes de Statistique Canada indiquent que la majorité des Canadiens et Canadiennes consomment un nombre moins important de portions que celui qui est préconisé. Sept enfants sur 10 âgés entre quatre et huit ans, et environ la moitié des adultes de 19 ans et plus, ne prennent pas leurs cinq portions quotidiennes.

There's a strong correlation between good health and the consumption of fruits and vegetables. A joint paper by the World Cancer Research Fund and the American Institute for Cancer Research reported that eating an adequate variety of vegetables and fruits may reduce cancer incidence by as much as 20%. Other studies have indicated that eating fruit and vegetables is associated with lowering risks of chronic diseases such as heart disease and diabetes. Chronic diseases can begin in early years, so developing healthy eating habits, including the consumption of fruits and vegetables, is an important part of disease prevention. That's why the Ministry of Health Promotion is piloting this initiative with young people in the north.

This initiative addresses a very important recommendation made by the chief medical officer of health, Dr.

Sheela Basrur, in her 2004 report *Healthy Weights, Healthy Lives*. On page 49, the report identified a need for government to "develop policies and programs that promote healthy eating, ... investigating the potential impact of food pricing options on consumption patterns, especially for communities where healthy foods, such as fruits and vegetables, are particularly expensive" and "building on the Ministry of Agriculture and Food's Foodland Ontario program, which promotes Ontario grown fruits and vegetable, by adding health messages." This program begins to answer that call.

The year-long pilot program will provide students in 20 to 25 elementary schools in selected communities in Ontario's Porcupine region with a serving of fruit and vegetables two to three times a week. Children and their families who participate in the program will gain increased knowledge about the importance of fruit and vegetables as part of a healthy diet.

Les résultats de ce programme pilot à la fin de cette année guideront les apprentissages pour une éventuelle expansion du programme. Notre nouveau plan d'action soutient une saine alimentation et une vie active en Ontario en s'appuyant sur des programmes déjà existants, comme le fonds collectivités actives, et en proposant de nouvelles initiatives telles que le programme pilote pour la consommation de fruits et de légumes dans le nord de l'Ontario.

We now know that the availability of up-to-date, reliable and easy access to information is crucial to supporting healthy eating. That's why we've created a new web resource called *EatRight Ontario*. You can find it at our website: *HealthyOntario.com*. This site provides nutrition information advice for healthier eating through programs like the northern fruit and vegetable pilot program. We're taking steps towards reducing rates of overweight and obesity, and we're equipping children and their families with the knowledge they need to live healthier lives.

I also want to thank the honourable member Mr. Pat Hoy. He also made a tandem announcement because many of the fruits and vegetables in fact will come from his portion of the province, as they will from northern Ontario. So it's a win-win for kids, for families, for the schools and for farmers in Ontario.

**The Speaker (Hon. Michael A. Brown):** Responses?

## AGRICULTURE FUNDING

### **Ms. Laurie Scott (Haliburton-Victoria-Brock):**

Ontario Agriculture Week is the perfect opportunity to rise and thank Ontario farmers for their hard work and dedication. Farming is crucial to the prosperity of my riding and to that of the entire province. Farmers contribute \$30 billion annually to our economy and employ 650,000 people. They provide us with the highest quality of food and continue to be the most effective stewards of our land and water, and that is in spite of the McGuinty Liberal government.

In my riding of Haliburton-Victoria-Brock, the Kawartha Lakes Chamber of Commerce said that 50



farmers went out of business last year. With 50 fewer farmers, we are worse off than we were a year ago. Indeed, the past three years have brought tough times for all of Ontario farmers, despite Premier McGuinty's promise to treat them fairly.

The McGuinty Liberals will promise anything to get elected. Unfortunately, Ontario farmers have learned that Liberal promises are not an effective indicator of their behaviour once elected. Agriculture has been dealing with numerous issues and challenges over the last number of years. We continue to see inaction, and have been calling on the McGuinty Liberals to help reduce the uncertainty of farmers by establishing a made-in-Ontario plan to build a secure and sustainable farming industry in Ontario.

Sure enough, the McGuinty Liberals are pleased to try and take credit for funding which they have kept in their own back pockets for months. The CAIS program, the Canadian agriculture income stabilization payments, has flowed in seven other provinces prior to Ontario's agriculture industry getting their portion, so I'm quite certain that no Ontario farmer is prepared to thank Dalton McGuinty for placing Ontario's farm industry on an even playing field and holding onto their cash.

They promised to make agriculture a lead ministry. Sadly, that promise is collecting dust next to their promises to not raise our taxes. The only lead we've seen from the Ministry of Agriculture is that they will lead us to the day where farming, farm families and farming communities no longer have any hope or any future in the province of Ontario. To the Liberals, a promise is a promise and it must be broken.

I, like other members of the PC caucus, had the privilege of traveling to Keene, to the International Plowing Match. It was in Peterborough county this year. One farmer, upon learning of the latest one-time funding announcement, expressed his thanks to the McGuinty government for yet another drop in the bucket. But the bucket is dry for Ontario's farmers. Remember this year's disastrous budget? Remember the 21% cut to agriculture spending? Remember this year's \$100,000-a-year club being expanded by 11% in the agriculture ministry alone? Remember this year's grains and oilseeds funding announcement, which was 52% smaller than last year's? Remember Steve Webster camping in his car? Remember the tractor rally, with close to 10,000 farmers on the lawns of Queen's Park? Farmers won't easily forget the three years of neglect and mismanagement from the McGuinty Liberals.

1410

One of the questions we have to ask is, why are farmers so angry with the McGuinty Liberals? You can see they're not even paying attention across the way. But one of the obvious answers is that they are furious with the years of budget cutbacks, disguised in press releases as good news for farmers. But it goes much deeper than that: It's about respect. In rural Ontario, you treat your neighbours respectfully. For a farmer, your word is your contract. That's why farmers are so mystified by the current McGuinty Liberal regime. They simply fathom

the discrepancy between Premier McGuinty's promises and his actions.

During Agriculture Week or at the plowing match, Premier McGuinty talks a good game, but the farm income crisis is not solved by words of support. It's not solved by pointing the finger at Ottawa. Indeed, if you want motherhood support, the McGuinty Liberals are as good as it gets, but if you want results, you'd better look elsewhere.

Farmers aren't just suffering from the ongoing neglect. They're furious that this provincial government sees them as opponents. This government sees them as enemies of the environment and clean water. They're furious that most were excluded from the hearings of the so-called Clean Water Act. They're angry that the hearings were held in the summertime, which is when most farmers are too busy to travel long distances for a 15-minute hearing, and they're hurt that the McGuinty government would take such a punitive approach to environmental stewardship.

In Agriculture Week, it's important to support our farmers and the entire agricultural community. But support doesn't end with feel-good statements from the minister. Supporting farmers means providing results. It means telling the truth, not promising anything just to get elected. It means treating the entire agricultural community with respect.

On behalf of John Tory and the entire PC caucus, I would like to express our most sincere appreciation to Ontario farmers.

## HEALTHY EATING

**Ms. Shelley Martel (Nickel Belt):** In response to the statement made by the Minister of Health Promotion, I want to say that the minister and I discussed the government's plan, which the program he talked about today is part of, at great length in the estimates committee. I want to put on the record some of the concerns that I raised then.

First, we want children and young people to develop healthy eating habits, and the school environment is a good place to do that, as children spend so much time at school. But today there are no mandatory food standards in place, for any Ontario schools, that emphasize food with maximum nutritional value. This is a key recommendation that was made to this government in 2004 by the school nutrition work group steering committee of the Ontario Society of Nutrition Professionals in Public Health.

We have recommended nutritional standards only for elementary schools, and only with respect to vending machines. If we're really going to get serious about providing an environment for kids where nutrition really counts, then we need mandatory food standards to support healthy eating environments in all schools.

Second, the steering committee made eight other essential recommendations about how to support healthy eating at school. All but one of those focuses directly on



the supports we need in school to foster that. I urged the minister then, and I urge him again today, to seriously consider implementing those other recommendations made by the steering group in 2004.

But what is key, my third point, is this: What is in a child's lunch bag or, more importantly, what's missing from the lunch bag, has a great deal to do with the level of income at home. I fundamentally believe that most parents want to send fruit and vegetables to school with their children, but far too often they can't afford it.

The reality in Ontario today is that the McGuinty Liberal government's increases to the minimum wage have been pathetic. For the working poor, they are barely making ends meet. The reality is that the increases to social assistance rates are pathetic, and families on social assistance are barely better off than they were under the Conservatives.

Reality today, and this is a really good day to raise this issue, is that the failure of the McGuinty Liberal government to end the clawback on the national child benefit means that so many Ontario families are relying on food banks. They're in no position to buy fresh vegetables and fruit.

If we really want to foster an environment where kids develop healthy eating habits, then we're going to make sure that their families have the income they need to allow them to buy fruit and vegetables in the first place. Then we'll really make a difference at home and at school.

#### AGRICULTURE FUNDING

**Mr. Howard Hampton (Kenora–Rainy River):** I want to respond to the Minister of Agriculture. This week is an opportunity to recognize the hard work of our farmers and Ontario's proud farming history, but it's also a time to reflect on the farm income crisis that has left many farm families and farm communities in very dire straits: too many farmers losing their farms, and others forced to work full-time off the farm just to put food on the table and keep the banker away from the door.

With farm incomes at record-low levels, grain and oilseed farmers continue to call on the McGuinty government to implement a financial risk management strategy that provides long-term sustainability and confidence for our farmers, but instead of getting to work implementing a long-term risk management strategy for the farm income crisis, one that protects our grain and oilseed farmers from punishing US subsidies, the McGuinty Liberal government prefers to have piecemeal announcements followed by piecemeal reannouncements followed by a repetition of the piecemeal announcements, none of which does anything to provide some sustainability for our farmers. It's all driven more by the Premier's desire for photo opportunities than by the desire to do something meaningful in terms of hard-pressed farmers.

Quebec and Alberta have acted unilaterally to stabilize farm incomes and protect their farmers, but the McGuinty government prefers photo ops and then to

blame Ottawa. Ontario farm organizations have worked hard to develop long-term solutions to the farm income crisis. The McGuinty government needs to put their cameras away and start getting down to work. New Democrats congratulate Ontario farmers for their dedication to the job. We congratulate our farmers for their perseverance in the face of a McGuinty government that continues to make promises and then break them, and continues to prefer photo ops to real action.

#### ORAL QUESTIONS

##### HOSPITAL FUNDING

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** My question is to the Minister of Health. Minister, your government has broken its 2003 promise to unclog emergency rooms. As a result, we have a crisis in 20-plus communities across the province.

It is only thanks to the hard work and dedication of the doctors, the nurses, the board and the administrators of Grand River, Cambridge and St. Mary's hospitals that the people of Kitchener–Waterloo have been able to avoid an emergency-room closure.

Instead of supporting the work of these people, you were quoted as saying that you were "disappointed in the leadership of the hospital." Well, I would say to you, Minister, the people of Kitchener–Waterloo and the more than 20 communities are disappointed in your leadership. Why have you not taken action on this ER crisis in Ontario when you've known about it since at least May of—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. Minister?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I agree with the honourable member that the function of our emergency rooms is a crucial priority for Ontarians. I would say that when Ontarians are gathering together to apportion responsibility with respect to circumstances and questions are asked with the word "waiting" in them, I really think that the two individuals who today find themselves sitting side by side have got a lot of explaining to do.

The point is, the honourable member also demonstrates in her question the Conservative tradition, which is to divide circumstances up. What's clear to everyone is that in order to address the circumstances which are occurring at present, to be able to build forward in a fashion which provides people with the necessary confidence, it will continue to take everybody working together. That's what we're doing at present in Grand River and other places and we will continue to move forward on that basis.

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**Mrs. Witmer:** Minister, the plan that is currently in place is just a stopgap. It's temporary. As you know, the



doctors are already overworked. They're stretched. We have this arrangement; however, it's not sustainable. Indeed, Dr. Daniel Kollek, chief of emergency medicine at Grand River, is quoted as saying, "We don't know what we're going to do after Friday." That's Friday of this week.

So I would like to ask you, Minister, what plan do you have to work co-operatively with my community past next Friday? As you know, next week is Oktoberfest. It is the busiest week of the year for the emergency rooms in Kitchener-Waterloo.

**Hon. Mr. Smitherman:** Again, the people of Kitchener-Waterloo—as the honourable member has referred to them as her community—would be well-inclined to ask her questions about what she was doing when she served as the longest-serving health minister in the Harris government. The reality is that the necessity of producing more doctors is a very crucial one, of course. The reality is also clear that you can't make a doctor as fast as you can make a pizza. You can make it up pretty quick, but the reality is that Ontarians know of these challenges.

I tell the honourable member that it is true to say that we have more difficult work to do in Grand River. That's why we're on the scene there with a leadership team from St. Joe's in Toronto, which has demonstrated good capacity to address underlying challenges. We know that working conditions are an issue in that emergency room and, accordingly, we're going to continue to work through these issues to put the resources there as necessary and to provide the leadership to stabilize the circumstances in the Kitchener-Waterloo region and, indeed, to move forward doing so in other parts of our province.

**Mrs. Witmer:** This morning on live radio the Minister of Health said blame is a bit of a counterproductive thing, and yet now in two responses he has tried to assign blame.

I would also say to the minister, your comparison to the pizza maker is an insult to emergency room doctors in this province. They have told me that your response is adolescent and it is trite and they don't appreciate the comparison.

But I'm going to ask you again. Your Premier blames money; Dr. Bach says it goes to poor working conditions. The Premier says, "Hang in there." People in this province are paying the health tax of \$900 a year. You promised in 2003 to unclog emergency rooms. People are now waiting in Toronto, for example, more than 10 hours. Could you please tell the people in the province what is your long-term plan for people in Ontario?

**Hon. Mr. Smitherman:** I think the honourable member has a difficult time between the idea of blame and accepting some responsibility; that's accountability and that's what this honourable member does every day. She pretends that she wasn't the longest-serving Minister of Health in the Harris government.

When I use a quote that says it takes longer to produce a doctor than it does a pizza, there's no offence intended

there. What's very clear is that it makes the point that doctors are highly valued and they're incredibly highly trained. Accordingly, you don't train them overnight. You don't mint them overnight, and that is what is at the heart of that.

We recognize, of course, the necessity of doctors. That's why our government has worked to increase the size of our medical schools by 23% and to bring 750 new doctors—our foreign-trained doctors—to work in Ontario, with 440 more currently being trained. These are the efforts that we're making to make up for the lost time that was squandered on the watch of the two health ministers who sit side by each.

**The Speaker:** New question. The member for Kitchener-Waterloo.

**Mrs. Witmer:** I would say to the minister, you have been Minister of Health for three years. The people in this province have a right to demand that you would be accountable for the—

*Interjections.*

**The Speaker:** Member for Kitchener-Waterloo.

**Mrs. Witmer:** I want to ask you, will you release the report Improving Access to Emergency Care: Addressing System Issues, that has been sitting on your desk since at least August?

**Hon. Mr. Smitherman:** First off, the honourable member is misinformed. The report was received in my office no longer than two weeks ago. But I can confirm for her, and for anyone else who's interested, it is up on our ministry's website. A quick review of it, though, will be an uncomfortable circumstance for the honourable member, because at the heart of the challenge it characterizes the Conservative strategy of closing 22% of the acute care beds.

I'm pleased to be part of a government which is rebuilding acute care capacity. With the construction that we have under way in the province of Ontario, we will be a government that's moving forward with an 8.1% increase in the number of acute care beds. In addition, we've opened 5,000 additional long-term care beds, made unprecedented investments at the community level in things like family health teams, which are about providing appropriate care in the community, and we've worked hard to produce more doctors making up for the lost time of the two health minister twins who sit beside us.

**Mrs. Witmer:** As the minister well knows, it was his government that in 2003, when they said, "We're going to unclog emergency rooms," also promised that they would add 1,600 beds. Why haven't you done so?

The report also speaks to the need to build more long-term-care beds. It also speaks to the need to expand community care services. There is nothing preventing this minister, who has been there for three years, from taking any action.

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** Long years, lost years.

**Mrs. Witmer:** They have been three long years, as my colleague says; they have been lost years.



Last year you were urged by the Coalition of Ontario Physicians in Emergency to make emergency room wait times your sixth priority. You said no. People are now waiting more than 10 hours in emergency rooms. I ask you today, Minister, are you prepared to release the report and implement the recommendations?

**Hon. Mr. Smitherman:** I say to the member again, the report that the honourable member has twice asked me about, and I've already answered, is on our ministry's website. The member asked where the 1,600 beds are that we promised; 2,000 additional acute care beds are under construction in the province of Ontario today. She said, "Where are the long-term care beds?" I say again, as I did in my last answer that 5,000 additional long-term care beds, funded and in operation in the province of Ontario. She asked about community investment: 150 family health teams; doubling the number of community health centres; more resources for home care; reinvestment in community-based mental health services; supporting those agencies that provide things like rides and provide Meals on Wheels.

The reality is, the investment pattern of our government, made possible as a result of the health premium, is seeing health care services evolving in a systematic way, not just one thing here and there, but across the board, reflecting that our patients require services working well together. We have more work to do, of course, to make up for the lost time squandered on the—

**The Speaker:** Thank you. Final supplementary?

**Mrs. Witmer:** The minister forgets that it was actually our government that had to cope with the problems that were created by the previous Liberal government. Perhaps the minister forgets that it was our government that added 8,000 nurses to the health system. It was our government that added 20,000 long-term-care beds to the system because the Liberals and the NDP hadn't built any. It was our government that invested \$1.2 billion in community care services and long-term-care beds. It was our government that gave you the first family health teams; you simply took ours and gave them another name. It was our government that built the new medical school and introduced it. So for this minister to stand up and say he has taken action on emergency rooms, I would say to you, what action are you going to take today for those 20-plus hospitals that are in crisis? Today, not tomorrow.

**Hon. Mr. Smitherman:** I like it best when the honourable member manages to dissect eight and a half years, forgetting about the first three or four when they cut everything, when they gored it, when they closed beds by 22%. She talks about 8,000 new nurses, but she forgets to mention that Mike Harris called them hula hoops and fired 13,000 the day before.

The reality is clear. The circumstances that we have in health care are challenging circumstances indeed. They've been made more challenging by decisions that we inherited. The honourable member makes the point, of course, that our health care system is the accumulated contribution of all governments over time. The reality is

that with respect to the issue of physicians, these two parties did dire damage to Ontarians by making sure that our medical schools were inadequate—inadequate in size, and inadequate to meet the needs of a growing population.

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We've increased medical schools by 23%, we've brought 750 additional foreign-trained workers already, our foreign-trained doctors, into communities across Ontario—440 more in production. Yes, we have more to do on behalf of those—

**The Speaker:** Thank you.

New question. Leader of the third party.

**Mr. Howard Hampton (Kenora–Rainy River):** To the Deputy Premier: We know that the broken promises tour of Premier McGuinty won't be stopping at the Grand River Hospital in Kitchener, nor will it be stopping at the 18 other hospitals that face emergency room shortages. That's because the McGuinty government's record on hospital emergency rooms is a letdown and a disappointment.

Premier McGuinty was warned about hospital emergency room challenges but did nothing. Then he said that privatized emergency rooms were okay by him. Now, instead of helping hospital emergency rooms in crisis solve their problems, furious George is pointing the finger of blame.

Deputy Premier, the emergency room crisis is systemic across the province and it's putting patient health and safety at risk. When is the McGuinty government going to show leadership, stop blaming and start solving the problem?

**Hon. Mr. Smitherman:** When is the honourable member going to stand up in his place and use even 1% or 2% of his words to acknowledge that he participated, as a member of a government, as a senior minister in a government—he didn't squeal out of the parking lot on this one like his seatmate there—and stood there or sat on his hands while the size of our medical schools was reduced. This created a problem. It's well known to be a problem, and only the honourable member can pretend his way through it.

The circumstances are clear. Through their working together, one government after the next, Ontario was compromised by about a thousand doctors. There's no doubt whatsoever that a few additional doctors would be of tremendous benefit in Grand River and in other communities. We don't have them because they didn't produce them.

We're working double time to produce a sufficiency of them, and we will continue on that point.

**Mr. Hampton:** My, my. Now furious George is even blaming the wannabe Liberal leader he's supporting.

Dalton McGuinty's photo op tour won't visit hospital emergency rooms because this is what he would hear. Dr. John Carter is an emergency room physician at Grand River Hospital, and he writes:



"We have been crying out for the past 18 months, 'More nurses, more doctors, more beds,' and in reply we continue to hear, 'Give us more time. Get back to work.'"

"We do not have more time. As emergency room nurses and doctors we are tired of the rhetoric and empty promises of a Minister of Health who patronizes us in one breath and then turns around and blames us for the hardships we endure."

I ask the question again: When are you going to stop blaming even Liberal wannabe leadership candidates and start showing some leadership, and produce a plan—

**The Speaker:** The question has been asked.

Minister of Health.

**Hon. Mr. Smitherman:** The dearth of talent the aforementioned honourable member was dealing with has been an apparent source of challenge to lots of public policy files.

The reality is that the honourable member offers quotes which are, I think, unhelpful. They're inappropriate in the sense that, for sure, the honourable member seeks to characterize a viewpoint, but the reality is that we fundamentally understand that doctors are at the heart of the matter.

The point of it is that these two parties are in such a state of denial. They have no sense of obligation to be held accountable at all for a circumstance now playing itself out which, at the heart of it, was related to their decision-making. They do not answer on point to the circumstances which their very actions have created.

Yes, we have more work to do. That's why we've enhanced our capacity to produce doctors in this province. You cannot make them overnight. The honourable member finds that trite. The reality is that—

**The Speaker:** Thank you. Final supplementary.

**Mr. Hampton:** The Minister of Health says it's unhelpful to cite the words of a veteran emergency room hospital physician. I think it's very helpful, because it shows us just how disconnected and over his head this Minister of Health is.

It's not about producing more doctors. Manitoba didn't go out this summer and produce more doctors. They got emergency room nurses, they got emergency room doctors, they got other health care providers together and they sat down and worked out a plan which would help them deal with emergency room pressures. They worked out a plan. So far, the McGuinty government talks about privatized emergency rooms, and you, furious George, talk about blaming everybody you can point a finger at.

Here is what it boils down to—

*Interjections.*

**The Speaker:** Order.

**Mr. Dave Levac (Brant):** On a point of order, Mr. Speaker: We've heard it a few times today. I think we should raise and elevate what we do in this House in terms of how we address each other, and I think it should be maintained.

*Interjection.*

**The Speaker:** It is a point of order. We should, in here, refer to other members only by their riding names or by their portfolio if they're ministers of the crown.

The leader of the third party.

**Mr. Hampton:** In contrast to the finger pointing in Ontario, Manitoba actually had a plan. It didn't involve privatization.

So I say to you, Minister, when is the McGuinty government going to bring in a long-term plan that addresses an emergency room crisis that has been growing for at least the last 18 months? When will you stop the finger pointing? When will you stop blaming? When will you stop the Dalton McGuinty photo op tour and bring in a plan that addresses the reality for thousands who cannot get access to the emergency room?

**Hon. Mr. Smitherman:** The closest that the honourable member can come to acknowledging that he created the challenge with doctor shortages in the province of Ontario is to say that they're not an essential part of the emergency room restabilization. The honourable member's suggestion is that we can do it without doctors, and this is a very, very odd suggestion indeed. We already have nurse practitioners and others widely deployed across our emergency room infrastructure. That's known to the member.

Here's what Dr. John Rapin, the president of the OMA, said in 2004: "As the OMA predicted at the time, 10 years later this decision in itself bears much of the blame for the current shortage of all types of physicians in Ontario."

That is at the heart of the challenge in Grand River, along with a variety of other things, for sure. Doctors are an important part of the resolution, and accordingly, we'll be working with them and working to produce more of them.

## EDUCATION FUNDING

**Mr. Howard Hampton (Kenora-Rainy River):** Again to the Deputy Premier, we know also that Dalton McGuinty won't be posing for any photos with children in the Dufferin-Peel schools today. That's because last Friday the McGuinty Minister of Education ordered the Dufferin-Peel Catholic District School Board to make cuts in the classroom. No amount of feel-good rhetoric, no amount of photo ops can hide the fact that the McGuinty government is now engaging in the same heavy-handed bully tactics that they used to oppose under Ernie Eves and Mike Harris.

You've already admitted that your education funding formula is flawed; you promised to fix it, and you haven't. Why, then, are you forcing school boards to make cuts in the classroom? Why should our students suffer because of another broken promise by Dalton McGuinty?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** To the Minister of Education.



**Hon. Kathleen O. Wynne (Minister of Education):** I believe I have addressed this issue in the last few weeks. We understand that the education funding formula has needed work, and here's what we've done since we've been in office. We've increased funding: \$2.7 billion—\$1,600 a student across the province. We have put thousands of new teachers into the elementary and the secondary system. We've increased funding for ESL. We have made the funding formula more transparent to families and to parents across the system. We've updated our school operations grant. We've introduced a new school foundation grant that acknowledges that small schools need a principal and a teacher and a secretary. We're working on the funding formula. We know it needs more work, and we're continuing to do that.

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**Mr. Hampton:** Now into the fourth year of the McGuinty government, they admit the funding formula is broken, but they say, oh, they're working on fixing it. No, you haven't fixed it. Instead, you're forcing school boards to make cuts in the classroom. In your letter to the trustees, this is what you wrote: "I hereby direct the Dufferin-Peel Catholic District School Board to identify alternate programs with a view to saving \$1.9 million on the reading recovery program." Minister, the reading recovery program has probably saved thousands of Dufferin-Peel students from years of academic frustration.

I say again, tell the parents of these children what the substitute is for the reading recovery program for kids who are having trouble reading. Why should these children suffer from another Dalton McGuinty broken promise?

**Hon. Ms. Wynne:** I'm not sure who in the education system or who in the population of Ontario it serves to have this oversimplified, disingenuous rhetoric.

What I want to say is that in the letter to the Dufferin-Peel Catholic board and in my remarks to the board the night I went and met with them, what I said was that the reading recovery program is one program. The literacy and numeracy secretariat is going to work with the board to make sure that the students who need the benefit of that program get equivalent or better service. There are different programs in some parts of the province. There are reading clinics, and parents say that we must have reading clinics. In some parts of the province of Ontario, we have reading recovery. The point is that students who need literacy support will get literacy support. That is our promise to the children of Ontario.

**Mr. Hampton:** I'm not that much interested in what you may say; we already know that the McGuinty government will say anything. What I'm interested in is what you wrote.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order.

*Interjections.*

**The Speaker:** The Minister of Citizenship and Immigration will come to order.

*Interjections.*

**The Speaker:** The member for Renfrew is not in his seat. I won't warn him again.

Order. I'd like to be able to go on with question period. I need to be able to hear the leader of the third party place his question.

Leader of the third party.

**Mr. Hampton:** We already know that members of the McGuinty government will say anything to get a vote. But I'm interested in what you wrote, and you wrote telling them to make cuts.

The reading recovery program, which you're ordering the school board to slash, helps struggling grade 1 students with weak reading skills to catch up to their classmates, and 80% of the struggling students in that program do catch up with their peers. A principal at the board says that cutting this program won't lead to savings because these children will continue to fall behind and need more help later.

You've admitted that the funding formula is broken, but instead of fixing it, you're forcing cuts on kids who are already struggling. Why is the McGuinty government cutting the best remedial recovery program available? Why should these kids suffer yet again from the McGuinty government's broken promises?

**Hon. Ms. Wynne:** I'll try this again, because the member opposite has already indicated he's not really interested in what we have to say. For the benefit of people who might be interested, I'm going to outline what I said: The literacy needs of the students in the Dufferin-Peel Catholic District School Board will be addressed; they will continue to be addressed. What I said to the trustees was that the particular program that was in place would be worked on with the literacy and numeracy secretariat, that they're going to have extra support, in order to make sure that those kids get the services they need.

On the funding formula, what I have said many times is that the funding formula that was written by the previous government was not one that met the needs of students across this province. We have been changing it; every year we have changed it. We have continued to work on it. There is more money in the system; it is more transparent—

**The Speaker:** Thank you, Minister. New question.

#### LONG-TERM CARE

**Mr. Jim Wilson (Simcoe-Grey):** My question is for the Minister of Health. In 2003, your government distributed this brochure entitled the Ontario Liberal Plan for Change. In it, you promised to increase per resident funding of long-term care by \$6,000 per year. Perhaps we shouldn't be surprised, but three years into your mandate, this promise sits alongside 50 other Liberal election campaign broken promises. It's yet another example of any government and its ability to say anything, do anything and now print anything to get itself elected.

I simply ask you, Minister, when are you going to live up to your promise of \$6,000 more per resident for long-



term-care residents in this province and do what you said you were going to do: treat residents and their families with the respect and dignity they deserve?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** It's fantastic to have the inaugural Mike Harris health minister on his feet asking a health question. It gives me a chance to read from a petition that Ted Arnott, the MPP for Wellington, signed in 1996 denouncing Wilson's health care reforms: "We feel that the measures taken by the health minister, Jim Wilson, are precipitating the rapid decline of the health care system, to the detriment of the residents of Ontario." That's his record.

I want to say that with respect to the challenges and opportunities in long-term care, our investment pattern to date is \$740 million. This has brought 3,140 new full-time equivalents to the delivery of health care services in our long-term-care homes. We've brought forward a tremendous range of new action on the front of compliance, and we will very shortly be coming forward with a piece legislation which we'll recommend to the Legislature of Ontario—740 million new dollars invested to date.

**Mr. Wilson:** If you want to talk about historical facts, the last time the long-term-care sector got significant money from the government was when I was health minister; they got \$100 million. They haven't even had cost-of-living increases during the three years you've been in office.

You also made another promise that you would increase long-term-care beds. You say you've built 5,000 beds. I can tell you that people in the county of Simcoe who I spoke to last week don't believe you. Nobody believes you've built 5,000 beds, and yet you keep getting up here and saying that you have. In 2005, the wait-list in Simcoe county was 864 people; in 2006, that wait-list has grown to 1,084. More people are waiting. In this case, they'll have to wait two additional years because of your Liberal broken promise.

Minister, when are you actually going to live up to your promises, do what you said you were going to do and stop re-announcing beds that we built; in a factual way, 20,000 beds were built under the Conservative government. You're re-announcing many of our beds—

**The Speaker (Hon. Michael A. Brown):** The question's been asked.

The Minister of Health.

**Hon. Mr. Smitherman:** Sometimes a minute is hardly enough to correct all the misinformation from the earlier flow. The honourable member characterizes himself as the only one who's made an investment in long-term care—

**Mr. Frank Klees (Oak Ridges):** On a point of order, Mr. Speaker: With all respect, the minister referred to misinformation that was being put forward by an honourable member. In the past, my understanding is that that was not parliamentary, and I would ask you to bring the minister to order.

**The Speaker:** I appreciate the intervention. The minister may wish to choose a different word.

**Hon. Mr. Smitherman:** I'd be happy to replace that with "inaccuracies," if that's more appropriate.

**Mr. Wilson:** It's not inaccurate. Take that away too.

**Hon. Mr. Smitherman:** If I might just ask for 20 seconds more to make my presentation, then the House itself can judge.

The honourable member said that he was the only one who's ever really made a significant contribution to long-term care. He said that he brought \$100 million. In fiscal 2004-05, we brought 191 million new dollars dedicated to the front line that brought 3,140 new workers to the front line of health care, alongside the 5,000 additional long-term-care beds that we've opened.

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## NATIONAL CHILD BENEFIT SUPPLEMENT

**Mr. Michael Prue (Beaches—East York):** My question is to the Minister of Community and Social Services. We know that the Premier is on his photo op tour, but there's another place he won't be visiting any time soon. That is the home of Beverley Halls, a disabled single mother who is doing her best to put food on the table for herself and her two daughters. Yet instead of helping Beverley, you and your government have chosen every month to pocket the \$240 that she gets for her children.

Three years ago you made a promise to Beverley's children and over 170,000 poor children in this province to do something for them. You promised to stop the clawback of the national child benefit supplement.

Minister, this is the third anniversary. I have hundreds of letters here which I'd like to send across to you, asking when you are going to honour that promise.

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** I want to thank the member of the third party for his question. I want to tell my colleague what we have done for the children of Ontario since we have been elected.

We are investing \$10.3 billion annually for families and social services in this province. We have raised rates by 5%; the second raise will be this fall, a 2% increase. When we took office, we ended the clawback of the national child benefit supplement going forward. We have made certain that all increases to the national child benefit stay in the hands of the people who need them the most. That's \$56 million more a year.

**Mr. Prue:** Today the Minister of Children and Youth Services asked us all to wear these little purple bracelets, and they say on them, "To end abuse and neglect of children." I want to know, and you should be asking yourself, what are you doing to end that abuse and neglect?

Your Premier is not out there visiting the home of Jim MacDonald of Manitoulin Island either. You may know him; he's been in the paper. He's a seriously ill father of five who can't put food on his table because you claw back every cent of the baby bonus. Today Jim and



Beverley are begging Dalton McGuinty and yourself to "stop robbing poor children."

My question to you is very simple. Will you keep your promises, will you end the clawback, and will you do it now in your fourth year of this mandate?

**Hon. Mrs. Meilleur:** I want to remind my colleague that, yes, we did end the clawback, and all increases to the national child benefit stay—

*Interruption.*

**The Speaker (Hon. Michael A. Brown):** Order. We'll wait. Order. Clear the galleries.

Minister?

**Hon. Mrs. Meilleur:** Thank you, Mr. Speaker.

That \$56 million more this year: What it means for parents with two children receiving social assistance is that they get \$1,620 more per year than they did in 2003.

I want to remind my colleague on the other side what they did to the children when they were in power. They stopped the Ontario child care supplement for working families, they cut the children's mental health program, they voted against all social assistance increases, and they cut children's treatment centres.

We are investing in child—

**The Speaker:** Thank you, Minister. New question.

#### LONG-TERM CARE

**Mr. Bill Mauro (Thunder Bay–Atikokan):** My question is for the Minister of Health and Long-Term Care. I know that our government has already invested an additional \$740 million in the long-term-care sector and, unlike previous governments, it is doing so without an increase in copayments. As our population ages, there is no denying that long-term-care beds will continue to be in high demand.

Minister, a council resolution was passed in Thunder Bay to give up the operation of 300 municipal long-term-care beds. This is a concern for me and my constituents, because we need to keep these beds in Thunder Bay. Could you please confirm today that these 300 beds will remain in Thunder Bay?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I want to thank the honourable member for his ongoing advocacy on this issue. In fact, both members from Thunder Bay have been very proactive.

Over the course of the summer I had the privilege, with the honourable member, to meet with workers from the CAW, who are the service providers who are helping our vulnerable residents. I want to make this commitment to the honourable member: While we have some work to do yet to determine the most appropriate operator for those 300 beds in Thunder Bay, I'm pleased to give the honourable member the complete assurance on the part of our government that those beds will remain in the Thunder Bay community.

**Mr. Mauro:** Thank you for that, Minister. It's paramount that our government understand the pressures that

northern communities are under, and today's commitment clearly demonstrates that you're getting it.

Three years ago, the McGuinty government took office with a vision for health care that is accessible to all Ontarians, regardless of their financial status or where they live. Minister, I know you have made a personal commitment to fix the long-term-care sector in this province. Where previous governments cut millions, you have invested millions; where they charged seniors a bigger fee, you have frozen it; and where they cut staff, you've increased it.

Minister, could you please tell my constituents what our plan is to ensure that long-term-care homes will continue to show the progress that has occurred under your watch as we move forward?

**Hon. Mr. Smitherman:** None of us doubts the necessity of having good-quality, long-term-care services. We've been able to add, as I mentioned before, 5,000 beds. We have about 75,000 of our most vulnerable residents in these beds. We work very hard to create a culture of homes—to call these homes instead of facilities, and to create a culture around that, with much greater enhancement to compliance measures and enforcement around the standards that we would all agree are appropriate in terms of being able to support these individuals. For two years we froze the copayments for our residents. We've introduced a 1-800 action line, which means that prompt response is now the norm in a circumstance where any concerns are reported.

At the heart of it, what we're seeking to ensure is that our most vulnerable residents are able to live in long-term care in a dignified fashion that respects to the greatest extent possible their life circumstances and enhances their quality of life. We are working hard on this, and I look forward to bringing forward legislation soon that will move this initiative even further forward.

#### EDUCATION FUNDING

**Mr. Frank Klees (Oak Ridges):** To the Minister of Education: When you were a trustee in 2002, you joined in a lawsuit that challenged the Education Act, and specifically that section of the act that requires school board trustees to balance their budget. You also, as a trustee, referred to cuts to school boards as a crime against children.

Today, as education minister, you are forcing multi-million dollar cuts to school boards across this province.

I ask you this question: Were you wrong then, or are you wrong now?

**Hon. Kathleen O. Wynne (Minister of Education):** I'm glad to see that you're consistent, because you were wrong then and you're wrong now.

When I was a school trustee in 2002, we did not have a government in place that was investing billions of dollars in publicly funded education. We had in place a government that was giving tax credits to private schools. And we know that the member opposite fervently



believes in private education. So it's a completely different time. It is absolutely a different circumstance.

What I was worried about at the time, actually, was not the issue of whether school boards should balance budgets, but the punitive measures that the previous government had put in place to punish public school trustees. That whole circumstance has changed.

In the last year, we've been working with the Dufferin-Peel Catholic District School Board to make sure they have a budget in place so they can provide students with the services they need.

1500

**Mr. Klees:** Minister, this morning the Ontario Secondary School Teachers' Federation held a news conference, and they said this: "While the province added \$600 million to the education budget this year to fund teacher salaries ... it also removed \$391 million from the local priorities amount ... \$120 million from the local opportunities grant" and an additional \$71 million from the declining enrolment component. This is the Ontario Secondary School Teachers' Federation that accused you and your government of removing some \$582 million from school board budgets.

These, Minister, are budget cuts. I'd like to ask you this: Are they wrong or are you?

**Hon. Ms. Wynne:** We actually put more than \$600 million of new money into publicly funded education last year. What we did on the funding formula—and I've already said, in a number of answers, that we've added money every year into the funding formula for new teachers, for capital improvements. But this is an important point: What we did last year was we changed the way the balance sheet looks so that parents and communities could understand. Those local priority grants and those grants you're talking about were being used for teacher salaries. What boards were saying was, "This doesn't make any sense, because we're using these dollars for teacher salaries, but it looks like it's grant money for other things. So let's straighten that out." That's what that realignment was about. Now it's absolutely clear where the money is going.

#### FOREST INDUSTRY

**Mr. Howard Hampton (Kenora-Rainy River):** To the Minister of Natural Resources: Minister, we noticed that on his third-anniversary photo op tour, Premier McGuinty won't be going to any of the hard-hit forest sector towns and cities in northern Ontario. Today, Red Rock's only major employer, the Norampac mill, shuts down and lays off 275 workers. Last week, the Espanola Domtar mill laid off 115 workers. And in Dryden, Patricia Logging laid off 35 workers. That's 425 forest sector jobs destroyed in one week.

While Premier McGuinty is out on his photo op tour, which carefully misses northern Ontario, could you tell municipal and labour leaders in northern Ontario: When is the McGuinty government going to implement a 4.5-cent-a-kilowatt-hour hydro rate, all charges and fees

included, that has been asked for, or are you going to stand by while hundreds more forest sector jobs are destroyed?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** It was over two years ago now that I gathered together municipal leaders, labour leaders and industry leaders, seeing that there was a crisis upon us, and asked for their help to give me some direction as to what the government could do. With that, we have acted with a \$900-million support program for the forest industry. We are starting to basically roll that out now as the industry is prepared to make those investments to reinvest in their operations.

We are saddened when we hear of job losses, but we're starting to see some reinvestments that are going to secure jobs for now, and I hope it will create some new jobs in the near future. It is a tough time—we are in transition in this industry—but we're working very hard in partnership with the industry to make sure we sustain the jobs we do have in northern Ontario.

**Mr. Hampton:** One of the key recommendations of that report was a more reasonable hydro rate that reflected the true cost of generating electricity in northern Ontario. That's what the mayors and union leaders are asking you for, and the McGuinty government has avoided that issue like the plague.

For months, the mayor of Smooth Rock Falls has been asking for a meeting with the Premier—since Tembec shut down the pulp mill there and laid off 300 workers—but the Premier won't answer the call. In July, when asked if the Premier would visit the north over the summer, the Premier's office responded, "Right now, I can't say if he'll be in the north. The Premier is to attend the Dalton McGuinty Golf Tour, which has him playing in three tournaments in Ottawa, Windsor, and Markham near Toronto in July and August." Minister, when will the McGuinty government admit there's a crisis in the second-largest industry in Ontario and across northern Ontario's forest sector? When will the Liberals—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. Minister?

**Hon. Mr. Ramsay:** A couple of weeks ago I met with the mayor of Smooth Rock Falls. I'm working with her economic development team. In fact, they called me about one of the people they are hiring now. We're working together with that team—it's very important. I have to tell you that the Premier, the Minister of Energy, the Minister of Finance and I are working with the industry on coming up with a program that will give a northern industrial electricity assistance program for the industry that would be of benefit to the industry. We're working with them to get it right. The Premier made a commitment to a form of regional pricing for electricity. We're working on something that would be effective for the industry to make sure that we can sustain them and make them profitable and competitive. So we're working with them. I just say to the member to stay tuned because you will hear some very good news from this government.



## IMMIGRANTS' SKILLS

**Ms. Jennifer F. Mossop (Stoney Creek):** My question is for the Minister of Citizenship and Immigration. Sixty per cent of Canada's newcomers settle in Ontario, and 85% of Hamilton's growth is due to newcomers moving into that area. Many people know that Hamilton is a gateway for newcomers in Canada. One of the key questions I get from my constituents all the time, newcomers or not, is: Why are so many foreign-trained professionals not engaged in their profession? I have explained to them some of the things that we've done, and they're very supportive of that, but I was wondering, Minister, if you could please, for the record, explain exactly what Bill 124 is doing to help our newcomers.

**Hon. Mike Colle (Minister of Citizenship and Immigration):** I thank the member for Stoney Creek for her question. Before this House we have, really, a revolutionary bill. For the first time in the history of Canada, a provincial government will have oversight over our 34 independent regulatory bodies. Lawyers, architects, doctors—all these regulatory bodies, under Bill 124, if passed, will have oversight to ensure fairness, transparency and accountability. It will also ask for the appointment of a fairness commissioner to help foreign-trained individuals. Thirdly, it will establish, for the first time in this province, an access centre, a resource centre, to help internationally trained individuals navigate through the complex system of licensing and accreditation in Ontario. It breaks down barriers, it gives opportunity and ensures fairness for qualified people, and it's long overdue.

**Ms. Mossop:** Thank you for that, Minister. I do just want to revisit the issues around Hamilton because, as I pointed out, it's a major gateway for newcomers—key concerns. I know you have come to Hamilton several times recently with some announcements and initiatives, and I'd like you, again for the record, to explain exactly what those initiatives specifically mean for Hamilton and our newcomers in the Hamilton area.

**Hon. Mr. Colle:** One of the approaches we're taking in my ministry is a regionalization approach to immigration. We're trying to encourage newcomers—we're fortunate to have so many choose Ontario every year—to look at settling in great cities like Sudbury, Hamilton, Windsor—another great gateway for immigrants. We are providing service extension into those areas. We are, for instance, spreading the CARE program for internationally trained nurses in Hamilton so that they can get jobs as nurses. It works very well.

We're also working with great partners in Hamilton: SISO; we're working very well with the association of engineering technologists and technicians to provide employment to 25,000 trained technicians; we're also working with Mohawk College, a great hub of international students and internationally trained individuals. So, in partnership, we're breaking down barriers; we're bridging the gap between their training overseas and the training here. It's a great time to invest in immigrants because when they succeed, we all succeed.

1510

## WASTE DIVERSION

**Mr. Norman W. Sterling (Lanark-Carleton):** My question is to the Minister of the Environment. Minister, your leader promised during the last election to divert 60% of solid waste from landfills by 2008. According to today's Toronto Star, Ontario is diverting only 25% of our garbage. It will now be impossible for you to meet your promised 60% diversion target by 2008. Why have you broken this important environmental promise?

**Hon. Laurel C. Broten (Minister of the Environment):** It's nice to have an opportunity to lay the blame, perhaps, at the foot of those who should be paying attention to these figures. Regulations 102 and 103 have been on the books since 1994, and one of the reasons this province faces the extensive challenges that we do with respect to waste diversion is that those regulations were not enforced. One of the challenges in your own community, sir, is the fact that the ICI waste is not being diverted. For the very first time, this government is taking steps to ensure that our ICI sector diverts that waste. We're working hard every single day to provide the tools that the municipalities need, and the ICI sector needs to divert that waste, but the first step we needed to take was to turn the page from the history that we received.

**Mr. Sterling:** If you had kept your promise of 60% diversion, we wouldn't need huge expansions of the Green Lane landfill near London, nor the Carp dump in west Ottawa, nor the Richmond landfill near Napanee, nor the Warwick landfill in Lambton.

Madam Minister, since you have done nothing with regard to regulating industrial, commercial and institutional waste, and in Ottawa you are not enforcing those regulations—your own ministry officials tell us that—will you give the city of Ottawa the right to regulate it? Because at least they will do something to stem this lack of diversion in the ICI waste stream.

**Hon. Ms. Broten:** I guess I can say to the member opposite that when I got the privilege of this position, I did look in the drawers and I didn't see any waste diversion plan that had been left by the previous government. But I can tell you the steps that we've taken: new programs for household hazardous waste, new programs for bottle return, some 260 enforcement and investigations in the ICI sector, new programs with respect to waste diversion being provided, those tools, to the ICI sector so that they can better divert the waste that they are now currently landfilling.

The Carp landfill expansion in your own community is at the very beginning of the processes. An environmental assessment is beginning. The community is having an opportunity to comment. The Ministry of the Environment is enforcing the regulations that you did not seek to enforce, and that will increase diversion in this province. At the same time, your community will have an opportunity to participate in an EA process around the Carp landfill.



## WINDSOR ARENA PROJECT

**Mr. Michael Prue (Beaches–East York):** My question is to the Minister of Economic Development. Madam Minister, Dalton McGuinty's trail of broken promises tour won't be visiting Windsor today. That's because the working families in that particular city are furious they will lose their racetrack, their slots, their proposed rink—a devastating blow to a community that's suffered a lot lately. The community is going to lose hundreds of good-paying jobs.

A couple of weeks ago, you were named the Minister of Economic Development. Your job is supposed to be bringing jobs in, not letting jobs go away. What do you have to say about this mess and, more importantly, what are you going to do about it?

**Hon. Sandra Papatello (Minister of Economic Development and Trade, minister responsible for women's issues):** I'm very happy to address this very clearly. I, too, am disappointed, as the local MPP for Windsor West, to have the raceway move out of Windsor West but stay in the region of Essex county, as raceways are economic engines for the region in which they reside.

Let me say this: I think it's very clear that our government has a track record on economic development that puts most Premiers in the history of Ontario to shame. There were months and months and months that went by under both the NDP and the Conservative government, where the Premier never went past London down the 401. Our Premier, on the other hand, has come to Windsor more times in our short time in office than any of the other Premiers combined. I am proud of the record that we have of our Premier coming to our city, and not just to visit, but to deliver for the people of Windsor.

**Mr. Prue:** The best retort was written today by Gord Henderson, a Windsor Star political columnist. He said, "The truly astonishing thing is seeing ... Dwight Duncan and Sandra Papatello, wash their hands of this mess.... If you believe" that they knew nothing, "I have an Ungava Bay moose pasture that will surely catch your fancy."

In Ontario, racetrack owners don't just get up and pull up stakes and move the slots wherever and whenever they want to. I am sure this has nothing to do with a well-connected Liberal and former provincial candidate being mayor of the town that has just bushwhacked Windsor. I'm equally sure that it has nothing to do with Tony Toldo, the racetrack owner who is hosting a \$1,000-a-plate fundraising dinner for Dalton McGuinty on November 2. This is the kind of behaviour that wins you your party's much-coveted Patti Starr award of excellence.

Minister, just what the hell is going on here, and what are you going to do about it?

**Hon. Ms. Papatello:** I'm sure my residents are impressed by the kind of language that the member opposite addresses in this House.

Our record for the Windsor area is clear, whether it's investment to save the Nemak plant, the expansion of the Valiant plant or the \$400-million expansion of the Windsor casino. Or perhaps it's the project associated with

DaimlerChrysler that helps our paint shop, or it's a medical school, or it's the investment of \$1.2 billion in the city of Windsor since we've become a government. Is that what this member opposite is complaining about?

There's not a resident in my city who would agree with this member opposite, but rather would say that when it comes to the McGuinty government, we deliver for the city of Windsor, and that will not stop.

## POST-SECONDARY EDUCATION

**Mr. Mario G. Racco (Thornhill):** My question is for the Minister of Training, Colleges and Universities. Ontario is a province with extraordinary potential, and our greatest resource is people. The ingenuity of Ontarians has led to inventions and discoveries like insulin, the electron microscope, the Canadarm, for which my riding made a piece, and the BlackBerry. Many of Ontario's greatest accomplishments have been discovered in our province's universities—

*Interjection.*

**The Speaker (Hon. Michael A. Brown):** Stop. I would ask the member for Timmins–James Bay to come to order. I won't warn him again.

Member for Thornhill.

**Mr. Racco:** Thank you, Mr. Speaker, for controlling the NDP.

Every day, we hear of a new breakthrough from around the globe in medical research or in the development of smaller, faster and better forms of technology.

In order for us to compete with the rest of the world, we need to develop, support and draw upon innovative thinkers and cutting-edge research right here in Ontario. Minister, what are we doing to make sure our universities are able to inspire innovation and create a competitive advantage for Ontario?

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** I'd like to thank the member for Thornhill for identifying a very important issue.

*Interjection.*

**The Speaker:** I asked the member for Timmins–James Bay to come to order. I warned him.

Minister.

**Hon. Mr. Bentley:** It's a very important issue that the member from Thornhill raises, one which he's raised quite often, because he has, as we all do, many people in university and college now who are looking at ways to extend their education, because they know the future is all about knowledge and innovation.

That's why, just the other week, the Premier made an announcement that we're increasing graduate student opportunities for September 2007 by 12,000 more spaces from when we started, and 14,000 by 2009-10. For universities in the Toronto area, that means a huge additional capacity to take on students. For example, York University will have 1,100 more opportunities, U of T 2,500 more opportunities and Ryerson 900 more opportunities.



1520

**Mr. Racco:** I'm very pleased to hear that the number of post-secondary students is on the rise. It shows that our commitment to post-secondary education in this province is working.

However, traffic congestion for all is top of mind these days, including how long it takes to get to work and to school. Minister, I want to know what our government is doing to address congestion in York region and ensure that Ontario students are spending less time on the roads and more time in the library.

**Hon. Mr. Bentley:** I think this is a question for the Minister of Transportation.

**Hon. Donna H. Cansfield (Minister of Transportation):** I'm pleased to be able to respond to the member's question. I ought to thank the member as well for his consistent efforts in moving public transportation forward in this province.

Recently, both Toronto and York appointed municipal trustees in the Move Ontario trust, and I'm encouraged that they've reached a cost-sharing agreement on the subway extension funding. We have invested \$1.5 million for an environmental assessment on the TTC Spadina subway extension to York University, we have provided funding for both the EA and construction of the rapid bus transit system to York University, and we have added, through GO Transit, 77 new buses to help move those 65,000 students who attend York University on a regular basis. So I'm proud to say that after years of neglect and underinvestment, we've changed the way things have been done in Ontario, and we're making things better by putting public transit first.

#### VISITOR

**Hon. Sandra Pupatello (Minister of Economic Development and Trade, minister responsible for women's issues):** On a point of order, Mr. Speaker: I'm happy to introduce another resident from the riding of Windsor West, Lynda Pizzolitto, who is also my sister-in-law and mom to our page, Dominic Pizzolitto. Welcome to Queen's Park.

#### PETITIONS

##### CELLPHONES

**Mr. John O'Toole (Durham):** It's a pleasure to present a petition on behalf of my constituents in the riding of Durham. It reads as follows:

"Whereas the safe operation of a motor vehicle requires the driver's undivided attention; and

"Whereas research has shown that the operation of devices such as cellphones detracts from a driver's ability to respond and concentrate on the task at hand; and

"Whereas close to two dozen government jurisdictions around the world have already passed legislation to restrict the use of cellphones while driving;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Legislative Assembly of Ontario enact legislation to curtail the use of cellular telephones proposed in Bill 68, the private member's" bill introduced by MPP John O'Toole.

I support this and would encourage the Premier to look into it. I present it to page Stephen.

#### TRADE DEVELOPMENT

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly. It was sent to me by a number of people in Brampton who work in the auto trade at DaimlerChrysler. It reads as follows:

"Whereas more than 260,000 Ontarians make their living and support their families through their careers in the auto industry in Ontario, which has become the pre-eminent manufacturer of motor vehicles in North America; and

"Whereas Canada imports more than 130,000 vehicles annually from the Republic of Korea, which imports virtually no vehicles or parts from Canada and does none of its manufacturing or assembly in Ontario or in any other Canadian jurisdiction, even though Canadian auto workers make the best-quality, most cost-effective vehicles in the world; and

"Whereas the government of Canada aims for a free trade agreement that would include the Republic of Korea in 2006, does not address the structural trade imbalance in the auto sector, and includes no measures to require Korea to reduce tariff and non-tariff barriers to Canadian-made vehicles, auto parts and other value-added services or components;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario insist that the government of Canada either cease free trade discussions with the Republic of Korea or make any proposed agreement contingent on fair and equal access by each country to the other's domestic markets in manufactured products such as motor vehicles and in value-added services, and ensure that Korea commits to manufacturing vehicles in Canada if Korea proposes to continue to sell vehicles in Canada."

This is an excellent petition. I absolutely support it. I've affixed my signature, and I'm going ask Mississauga West page Taylor Rodrigues to carry it for me.

#### PROPERTY RIGHTS

**Mr. Norman W. Sterling (Lanark-Carleton):** "To the Legislative Assembly of Ontario:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the



peaceful enjoyment and free disposition of his property, except to the extent provided by law"; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and

"Whereas the decision of an expropriating authority should be subject to judicial review; and

"Whereas, subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

I sign my name.

#### AUTISM TREATMENT

**Ms. Shelley Martel (Nickel Belt):** I have a petition from parents with autistic children that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas children with autism who have reached the age of six years are no longer being discharged from their preschool autism program; and

"Whereas these children should be getting the best special education possible in the form of applied behavioural analysis (ABA) within the school system; and

"Whereas there are approximately 700 preschool children with autism across Ontario who are required to wait indefinitely for placement in the program, and there are countless school-aged children not receiving the support they require in the school system; and

"Whereas this situation has an impact on the families, extended families and friends of all of these children; and

"Whereas, as stated on the website for the Ministry of Children and Youth Services, 'IBI can make a significant difference in the life of a child with autism. Its objective is to decrease the frequency of challenging behaviours, build social skills and promote language development';

"We, the undersigned, petition the Legislative Assembly of Ontario to fund the treatment of IBI for all preschool children awaiting services. We also petition the Legislature of Ontario to fund an education program in the form of ABA in the school system."

This has been sent to me by A. Pap of Kingston, Ontario. I agree with the petitioner and I've affixed my signature to it.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Tony Ruprecht (Davenport):** I have a petition given to me by skilled immigrants in support of Bill 124. It's addressed to the Parliament of Ontario and reads as follows:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able [to] apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I'm delighted to support this petition and I will sign it.

#### SCHOOL FACILITIES

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario.

"Whereas the parents of St. Paul's elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

"Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul's elementary school; and

"Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

"Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Education immediately deem St. Paul's elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul's can be educated in a facility that is secure and offers them the respect and dignity that they deserve."

As I mentioned, I went to kindergarten to grade 8 at this school. My mother taught there for 33 years.

I want to thank Milva Biffis and Gaynor McLeary for sending me the petitions.

1530

#### HOSPITAL SERVICES

**Ms. Shelley Martel (Nickel Belt):** I have a petition regarding this government's P3 hospitals. It reads as follows:

"To the Legislative Assembly of Ontario:



"Whereas all hospitals since the inception of public medicare in Canada have been non-profit;

"Whereas 'public-private partnership' (P3) hospitals turn over democratic community control to international investors, turning a public service into a commodity sold for profit;

"Whereas worldwide evidence is that private (P3) hospitals lead to doctor, nurse, staff and bed cuts in hospitals in order to make room for profit taking, consultant fees, higher borrowing costs and outrageous executive salaries;

"Whereas private (P3) hospitals hide information about the use of tax dollars by claiming 'commercial secrecy' when they privatize public institutions;

"Whereas the higher costs, user fees, two-tier services and culture of private (P3) hospitals risk the future sustainability of our public medicare system;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government of Ontario to stop all current and future 'public-private partnership' (P3) hospital deals and return full ownership, operation, management and delivery of hospital services to non-profit hands, and develop a plan to fund new hospitals through public finance, clearly excluding the privatization of hospital services."

I agree with the petitioners. I have affixed my signature to this.

#### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** The following petition has been sent to me by Consumer Federation Canada, and it reads as follows:

"To the Parliament of Ontario and the Minister of Government Services:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating;

"Therefore we, the undersigned, demand that Bill 38, which passed the second reading unanimously in the Ontario Legislature on December 8, 2005, be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information, such as SIN and loan account numbers.

"(2) Should a consumer reporting agency discover that there has been an unlawful disclosure of consumer information, the agency should immediately inform the affected consumer.

"(3) The consumer reporting agency shall only report credit-inquiry records resulting from actual applications

for credit or increase of credit, except in a report given to the consumer.

"(4) The consumer reporting agency shall investigate disputed information within 30 days and correct, supplement or automatically delete any information found unconfirmed, incomplete or inaccurate."

Since I agree with this, I'm delighted to sign this petition.

#### MACULAR DEGENERATION

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the government of Ontario's health insurance plan covers treatments for one form of macular degeneration (wet), and there are other forms of macular degeneration," such as Stargardt's, "that are not covered,

"Therefore be it resolved that we, the undersigned, respectfully petition the government of Ontario as follows:

"There are thousands of Ontarians who suffer from macular degeneration, resulting in loss of sight if treatment is not pursued. Treatment costs for this disease are astronomical for most individuals and add a financial burden to their lives. Their only alternative is loss of sight. We believe the government of Ontario should cover treatment for all forms of macular degeneration through the Ontario health insurance program."

I affix my name in full support.

#### COLORECTAL CANCER

**Ms. Shelley Martel (Nickel Belt):** I have a petition from the Colorectal Cancer Association of Canada, and it reads as follows:

"Whereas it is incumbent that the Ontario government introduce a population-based screening program for colorectal cancer immediately based on the 2002 report by the National Cancer Commission on Colorectal Cancer Screening and recommendations by Cancer Care Ontario;

"Whereas the Ontario government has not implemented a colorectal cancer screening program, and still has an extra duty to provide the standard of care that is recommended in the treatment of colorectal cancer;

"Whereas the Ontario government has elected not to fund the medications which form the standard of care for the treatment of advanced colorectal cancer, namely Oxaliplatin and Avastin, and that the government should rightfully fund these medications;

"Whereas forcing patients to pay for these drugs constitutes a two-tiered health care system which is unacceptable for the standard treatment of Canada's second-biggest cancer killer;

"Therefore, we, the undersigned, petition the government of Ontario to introduce and implement a population-based colorectal cancer screening program and to fund the necessary medications for the treatment



of advanced colorectal cancer, namely Oxaliplatin and Avastin.”

Speaker, I agree with the petitioners and I have affixed my signature to this.

#### HIGHWAY 417

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):**

I have a petition here signed by many, many people from my riding of Renfrew–Nipissing–Pembroke, including Jim Bradley.

**Mr. Tony Ruprecht (Davenport):** No.

**Mr. Yakabuski:** Yes; it’s right there.

“To the Legislative Assembly of Ontario:

“Whereas modern highways are the economic lifelines to communities across Ontario and crucial to the growth of Ontario’s economy; and

“Whereas the Ministry of Transportation has been dealing with the planning and design of the extension of Highway 417 for several years; and

“Whereas the previous Conservative government followed through with their commitment to extend Highway 417 to Arnprior; and

“Whereas Highway 417/17 is part of the TransCanada highway system; and

“Whereas local municipal governments, the county of Renfrew and MPP John Yakabuski have continued to press the Liberal government on this issue;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Liberal government move as swiftly as possible to approve the extension of Highway 417 through Arnprior to Renfrew and beyond and that this be included in their next five-year plan.”

Mr. Speaker, I agree with this petition and affix my signature to it.

#### GASOLINE PRICES

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition that reads:

“To the Legislative Assembly of Ontario:

“Whereas gasoline prices have continued to increase at alarming rates in recent months; and

“Whereas the high and unstable gas prices across Ontario have caused confusion and unfair hardship to Ontario’s drivers while also impacting the Ontario economy in key sectors such as tourism and transportation; and

“Whereas the member from Superior North and the member from Essex, as well as the current ministers from St. Catharines, Eglinton–Lawrence and Sudbury have introduced legislation to freeze gas prices;

“Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

“That the government of Ontario considers an immediate, temporary gas price freeze and fair and transparent gasoline pricing by supporting the previous

members’ bills while international gas prices stabilize: Bill 10, the Gas Price Watchdog Act, introduced by the Liberal member for Thunder Bay–Superior North; Bill 18, the Gas Price Watchdog Act, introduced by the honourable Liberal member for Eglinton–Lawrence; Bill 80, the Gasoline Consumer Protection Act, introduced by the Liberal member for Essex; Bill 32, the Petroleum Products Price Freeze Act, introduced by the honourable Liberal member from Sudbury; and Bill 16, the Gasoline Pricing Act, introduced by the honourable Liberal member from St. Catharines.”

I affix my name in support, Mr. Speaker.

#### ORDERS OF THE DAY

##### CLEAN WATER ACT, 2006

##### LOI DE 2006 SUR L’EAU SAINE

Ms. Broten moved third reading of the following bill:

Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts / Projet de loi 43, Loi visant à protéger les sources existantes et futures d’eau potable et à apporter des modifications complémentaires et autres à d’autres lois.

**The Deputy Speaker (Mr. Bruce Crozier):** Ms. Broten, you have the floor.

**Hon. Laurel C. Broten (Minister of the Environment):** Thank you very much, Mr. Speaker. It’s a pleasure to introduce Bill 43, the proposed Clean Water Act, for third reading. I am pleased that I’ll be sharing my time with my parliamentary assistant, the member from Peterborough.

This is a great and long-awaited day for the province of Ontario. Today, we consider a piece of legislation that will fundamentally transform the way we protect our greatest natural resource: our water. As the honourable members know as representatives of the people of this great province, we have a rare and valuable opportunity to truly make a meaningful difference in the lives of Ontarians, not only for today, but for generations to come.

1540

There can be no better opportunity than the one we debate today. Ontario could never have developed into the diverse and thriving province it is today without a constant supply of clean, safe drinking water. But the quality and quantity of our water are not boundless; we must manage our water responsibly. Bill 43 gives us an opportunity to protect Ontario’s environment and also leave an important legacy for our children. I’m very proud to be proposing legislation that has the potential to make such a profound and lasting contribution to Ontario’s environmental well-being and to the quality of life our people enjoy so dearly.

Our government’s vision is of a province where our children can live and play in a strong, healthy, vibrant community, an Ontario that is clean and green, pro-



gressive and prosperous. This is our government's vision, and it is also a vision that is shared by people across our province. We know that Ontarians, when asked, will clearly state their profound belief that the environment is a top priority, along with health and education.

Notre gouvernement a comme vision une province où les enfants peuvent vivre et grandir dans des collectivités fortes, salubres et dynamiques, un Ontario propre et vert, prospère et en plein essor. Cette vision du gouvernement est partagée par les citoyens et les citoyennes de la province.

En effet, les Ontariens et les Ontariennes déclarent que l'environnement constitue une priorité pour eux, comme la santé et l'éducation.

Our government is working on many fronts to realize that vision, and many different ministries and agencies are involved. Unlike some of our predecessors, the McGuinty government understands that Ontarians want effective environmental stewardship from their representatives at Queen's Park. We take our stewardship very seriously. We are committed to upholding the trust placed in us, to managing environmental issues wisely on behalf of Ontarians. As stewards, our role is to ensure that environmental protection is being managed at the most effective and appropriate levels.

I want to take a few minutes today to remind the honourable members of the purpose of Bill 43 and briefly describe how it is designed to work in communities right across the province. But first I want to highlight the extensive consultation process we have undertaken for the bill and how it has helped to make the proposed legislation even stronger and more effective.

Our government consulted with more than 300 groups across the province. We heard from farmers and municipal leaders, large industry, small businesses, conservation groups, health officials, First Nations and property owners. We listened and we took action on what we heard. There is no better example of this than our drinking water stewardship program for rural Ontario. Property owners and small businesses told us that they needed financial help to make changes to implement their plans. We've heard their concerns and we responded. We built our financial assistance program right into the legislation itself. Initially, \$7 million will be available for early action to protect drinking water. What's more, we've promised farmers and rural business owners that this is only our initial funding; there will be more.

To ensure that future funding is well invested and meets the needs of rural Ontario, I appointed an 11-member advisory panel to be chaired by Al Lauzon, a past chair of the Ontario Rural Council. The panel will provide invaluable advice and expertise in designing the program. As communities complete their source protection plans, we'll know better what the costs of implementation are and how to effectively direct sustainable future funding to address those costs. It is actions like these that prompted Ron Bonnett from the Ontario Federation of Agriculture, to say, "The government is clearly listening to the concerns of rural Ontario."

I should also point out that the program has been very enthusiastically received by the Ontario Farm Animal Council, the Ontario Farm Environmental Coalition, Conservation Ontario, Environmental Defence and the Association of Municipalities of Ontario.

This is just one example that demonstrates the value of Bill 43. The legislation is built around a clear vision, but it is also highly responsive to community needs. We have a bill that is clear in its goals but flexible enough to allow local decision-makers to choose their best path. It reflects the desires of environmentalists to take a preventative approach, but also listens to the needs of farmers and property owners who are the stewards of their land.

I know that every member of this House supports the underlying principle of Bill 43, which is that everyone living in Ontario has a fundamental right to safe, clean drinking water. In order to safeguard that right, treatment is simply not enough. Justice O'Connor pointed out in his report on the Walkerton inquiry that Ontario needs a multi-barrier approach for water protection, a system with numerous built-in safeguards that protect our water from source to tap. Protecting our water begins with preventing its contamination. We share that vision.

Prevention is the fundamental goal of the proposed legislation contained in Bill 43. The passage of this bill will mean that 12 of Justice O'Connor's recommendations will be fully addressed, but more than that, it will start a whole new chapter in the history of how we manage our supply of water. It all comes down to trust. People need to be able to trust that their water is safe to drink and that the water sources they rely on are free from pollution. If this public confidence is lost, the results can be devastating. With the passage of the Clean Water Act, communities in Ontario will start developing and adopting a watershed-based approach to prevention. Just as importantly, they will not have to develop water protection measures in isolation. They will plan prevention measures across the watersheds they share. Under Bill 43, communities would form committees to look at the vulnerability of their drinking water sources and to evaluate existing and potential threats to local supplies. The committees would then develop source protection plans designed to reduce or eliminate those threats.

When these plans are implemented, communities would begin to monitor and evaluate the effectiveness of the prevention measures. Over time, the plans themselves will be reviewed and updated to enhance the protection they provide against existing threats and ensure that they respond to new ones.

For some communities, these source protection planning activities they carry out may well be the first opportunity they have had to identify threats to their water supplies. In other communities, source protection activities may represent the continuation of work that has already been started. Either way, it is clear that local communities are in the best position to develop and implement effective protection measures to safeguard their water supplies.

We heard the concerns of property owners and farmers. They agreed that it is important to reduce threats



to our drinking water but they were concerned about what it would mean for their land, and we have taken their concerns to heart. Many threats to drinking water can be managed locally through voluntary efforts, and we've replaced the system of permits and permit officials that was originally proposed with a negotiated risk management approach. This change recognizes the tremendous work that's already being done on a voluntary basis and it is similar to the stewardship activities that are now common in a number of regions.

Risk management officials will be required to have appropriate training and qualifications to develop plans with property owners. For instance, an official working with farmers would need to have training in biosecurity and health and safety protocols.

We also know that source water protection plans need to be based on sound scientific principles and good research, and they must be developed in consultation with all members of the community.

We've already committed \$120 million for planning to help communities and their partners study and assess their watersheds, undertake water budgets and ensure that they get the science right. A great deal of work is already under way, and the magnitude of what's being accomplished is truly remarkable. There is no doubt that it is the largest scientific exercise ever undertaken in Ontario to better understand our water resources.

To protect drinking water supplies effectively, we first need to know how much water we have, how much is in reserve, how our water replenishes itself and how those supplies could be threatened both now and in the future. Right now, right across Ontario, conservation authorities and municipalities are using leading-edge research and technology to build comprehensive maps of their surface and groundwater resources. This research will help them develop local source protection plans for watersheds across the province.

**1550**

We recognize that there will be implementing costs involved with this work, and because every region of Ontario has its own unique characteristics and challenges, it's difficult to say precisely what the cost for each community will be. The need to adapt prevention measures to fit local needs is one of the greatest strengths of the proposed Clean Water Act. Instead of opting for a central model that would impose the same set of protection measures for everyone, we are relying on the communities themselves to tell us what they need to implement their local protection plans. Local source protection committees represent a broad spectrum of stakeholders, including municipalities, businesses, the health sector and the public. Each committee will need to look carefully at the research findings, technical studies and risk assessments to come up with prevention measures that deal with the vulnerable areas they've identified.

It is clear that the cost of implementing these plans will vary somewhat from one community to another across the province, but we already have two excellent examples of what we can expect in this regard. Waterloo

region and Oxford county were early advocates of source protection planning. These municipalities are now working to implement the plans they have developed to protect their drinking water sources. I'm pleased to report that at this stage, their implementation costs appear to be quite manageable and moderate. Implementation costs to homeowners in these communities range from about 75 cents per household in Waterloo region to around \$1.50 a month per household in Oxford county.

The government is very much aware that Bill 43 is vital legislation for people and communities throughout the province. As a result, we have taken the time and effort to undertake extensive consultation to get it right. We've taken Bill 43 through committee hearings line by line. We've also taken it on the road, from a historic town hall in Walkerton to the chambers of Queen's Park, from a church hall in the town of Bath to convention centres in Cornwall and Peterborough. We also had an extensive legislative debate on this bill during second reading, and that debate resulted in a number of very useful suggestions from members of both sides of the House.

Since I introduced this legislation last December, I've visited many communities around the province. I've spoken with people about the proposed Clean Water Act and listened to their views and concerns about the best ways to protect our drinking water. I've seen the excellent local efforts that are under way first-hand, and whether I was speaking to the mayor of North Bay, the councillors of Essex county, farm groups in Waterloo or conservation authority staff in Belleville, the message I heard was consistent and clear: People right across Ontario agree that water protection is a shared responsibility and that the most effective way to protect local water is through local involvement.

Our government has listened to people's comments and heard their concerns, and to respond to the extensive feedback received from stakeholders, we have worked hard to amend the bill to make it even stronger. We have expressly recognized that incentives, outreach and education programs may be used as source protection tools. We extended the period for property owners to appeal risk management plans from 15 to 60 days. We removed the limit of 16 members on source protection committees so that they can be more flexible and more representative of the local watershed community.

We designed the bill to afford better protection of Great Lakes water quality. As members may know, the Great Lakes supply about 70% of our people with their drinking water, and Bill 43 requires policies to be included in source protection plans to help achieve Great Lakes targets established by me.

Bill 43 also breaks new ground by recognizing First Nations communities and their need to have their water sources protected by allowing First Nations drinking water systems to be considered as part of the source protection planning process, should the First Nation want to participate. Over the past several months, my staff has worked with First Nations on ways to protect their drinking water sources under the proposed Clean Water



Act and on how First Nations who want to participate can play an active part in developing source water protection plans across their watersheds. Consultation with First Nations regarding their participation in watershed source protection plans will be important as we move forward.

I believe the amendments we have made will result in stronger, more effective legislation. I want to take the opportunity to thank the hundreds of people who participated in the consultation process, including members on all sides of this House, for the high level of interest they have shown in the legislation and their commitment to protecting Ontario's drinking water sources for future generations.

The passage of Bill 43 will put Ontario in the forefront of drinking water protection across North America. It will help safeguard the quality of our environment and the health of our people. Bill 43 represents a significant step forward to protecting our water resources on which we all rely and preserving the tremendous quality of life we all enjoy. It's what the people of this province want and what they deserve. I would therefore like to invite all members to join me in supporting the speedy passage of this historic and tremendously important piece of legislation. I can think of no better birthday present that I could give Zachary and Ryan this week, in the week that they turn one year old, than the Clean Water Act.

**The Deputy Speaker:** Further debate?

**Mr. Jeff Leal (Peterborough):** It's certainly a pleasure for me to have this opportunity to outline to my colleagues some of the highlights of Bill 43, the Clean Water Act. This is a significant piece of legislation that will play a major role in fulfilling our government's commitment to ensuring that all Ontarians have access to safe drinking water. We believe, along with Justice O'Connor, that protecting water at its source is the first vital step in providing safe drinking water. To ensure that protection, we need to prevent pollution from contaminating the lakes, rivers and aquifers that supply the water that comes out of our taps.

We also recognize that the best way to plan and carry out water protection measures is by viewing the entire watershed as a single, coherent entity. Moreover, the science of watershed protection has come a long way over the years. We are committed to capturing the benefits of the new knowledge by ensuring that Ontario's source water protection efforts are planned and implemented on a sound scientific basis. We believe that everyone in Ontario has the right to safe, clean drinking water.

We also believe that protecting our water resources is very much a shared responsibility. But because each community and indeed each watershed is unique, we are convinced that local authorities are in the best position to plan and implement the protection measures that will ensure the safety of our drinking water.

These fundamental principles are at the heart of Bill 43. Under the provisions of this groundbreaking legislation, local communities, for the first time, will be able to work together to create and implement plans that protect the sources of our drinking water.

The Clean Water Act will accomplish three key objectives. First of all, it will require local communities to look at any activities that could threaten their water quality and water quantity and take action to reduce and remove that threat. Secondly, it will give local authorities the power to take preventive measures before a threat to the local water supply can develop. Third, the proposed legislation will allow the whole community an opportunity to participate in the process of developing practical and effective solutions through a full and public consultation on every source protection plan. Under Bill 43, public consultation will be a critical component of the source protection framework.

I said that local water source protection plans must be based on sound scientific principles. To ensure that communities have the resources they need to complete the required studies, we have committed \$120 million over the next four years to support this vital and crucial work. Members should also be aware that through Bill 43 and its accompanying regulations, technical guidance and director's rules, a framework is provided that communities can follow as they prepare their local source protection plans.

Conservation authorities, such as the Otonabee Region Conservation Authority in my riding, and municipalities will firstly map out local drinking water sources that need special protection. This includes areas immediately around wellheads and water intakes, recharge areas and aquifers.

In step two, source protection committees will use a science-based approach to measure and assess the threats to water quality and quantity. These threats will be ranked to determine if they are indeed significant. Source protection committees will make decisions on threats that require immediate action, threats that simply need to be monitored to ensure that they don't become more serious, and threats that can simply be managed over time through what I stress is voluntary action. Local partners will be brought together to deal with these threats identified and municipalities would work with conservation authorities, farmers and other property owners, industry, community groups and the public to develop workable, effective plans to deal with local threats to drinking water sources.

**1600**

Lastly, the local source water protection plans will be put into action. Implementation will be accomplished through official plans, zoning bylaws, provincial approval schemes, municipally issued permits, negotiated responses and voluntary actions. Under the bill's provisions, local municipalities will receive special authorities to take action on significant threats to the most vulnerable drinking water supplies. Of course, there will be a careful and continuous monitoring of each source protection plan. This will be done to measure the effectiveness of the actions taken to protect drinking water sources and to ensure that local drinking water supplies continue to be adequately protected into the future.

As members can see, communities across the province will have key roles to play in the process proposed under



Bill 43. Municipalities would generally be responsible for developing and implementing risk management strategies for local supply wells and intakes. Conservation authorities would play a broader coordinating role. They would generally be responsible for supporting source protection planning across the entire watershed, specifically source protection committees, by gathering information, assessing and ranking threats to the water supply, consulting and integrating municipal strategies into larger watersheds.

Prior to the official committee touring of Ontario, I did take an opportunity to visit with many rural parts of my riding and had discussions with many farmers, including my good friend Dave McNevan. I clearly said to Dave that the introduction of the bill, the way it was set and its initial part, was something that I couldn't support without, certainly, the inclusion of a stewardship fund enshrined in the legislation to make sure that that principle is in there, which couldn't be taken away by another government down the road. That was my bottom line. In direct contacts with both the Minister of Agriculture, Food and Rural Affairs and indeed the Premier and my colleague the Minister of Environment, we made sure that government members got the stewardship program enshrined in that legislation. That's an important step going forward. Previous legislation, like the Nutrient Management Act, did not have any such fund enshrined in that legislation. It's an important step forward, and indeed it's supported.

I want to quote Ron Bonnett: "This first-stage financial assistance goes a long way toward addressing the concerns of the farming community. The government is clearly listening to the concerns of rural Ontario." That's Ron Bonnett, the president of the Ontario Federation of Agriculture. Indeed, Mr. Bonnett wrote in the editorial of the Ontario Farmer of September 12, 2006, "It is gratifying to see the provincial government respond positively on proposals put forth by the farming community on the issues such as the Clean Water Act. It is proof that a clearly articulated message from the farming community can be grasped by our government representatives and turned into meaningful legislation." I rest my case on Bill 43.

**The Deputy Speaker:** Questions and comments?

**Mr. John O'Toole (Durham):** What a load of hooley, technically, in responding to this bill. I want to say, first of all, let's put on the record what is the truth here. This is nothing but a shell game of downloading to the municipalities and the conservation authorities. They haven't given them the resources to actually do this. But also I want to put on the record the great work the member for Haliburton–Victoria–Brock, our critic, did tirelessly on this bill to try to improve it. They didn't listen to one possible amendment that she, on behalf of stakeholders, put on the record.

So the message is out now. We know now that—even the member from Peterborough knows this. He could barely get on a farm because they know that once these so-called water people get on the farm, you're in trouble.

They are not leaving without an order on that farm to do a risk assessment plan. Who's paying for it? There's no money here. The \$7 million won't cover the amount to put the new letterhead out for your department. It's a shame. It's a shame that you haven't been prepared to work with the people of Ontario and to phase this thing in. Even the drinking water advisory committee recommended that you work progressively through, first of all, the municipal drinking water systems, and then add the private wells and other systems. There isn't a member in this House, of any stripe, who doesn't agree with the purpose here of ensuring that all water is safe and capable of being used appropriately to drink. We're in support of that. What's wrong here is the process. Read section 79, "Powers of entry." This is what this bill is really about. I'm going to read it: "Subject to ... (4), an employee or agent of a source protection authority or a person designated" by the authority "under subsection (2) may enter property, without the consent of the owner or occupier and without a warrant...."

There are other intimidating sections here. Why don't you just learn to work with the people of Ontario instead of trying to intimidate the people of Ontario? This is not a bill I can support.

**Mr. Peter Tabuns (Toronto–Danforth):** I think it's quite tragic, in fact, that the government has missed an opportunity with this act. Walkerton was a terrible, terrible calamity. People lost their lives. People had their health damaged. People were ill. There was a huge economic impact on that town and a huge human impact on the people in Walkerton and the area around it. When such events occur, it's time for a society to step back and think: What does this really mean about how we function? What does it really mean about what we have put in place to protect our health and our environment?

This bill is a whisper of what should be there. In the course of the presentations by the public, we heard calls consistently for application of the precautionary principle. That was not recognized in the act. That leaves us outside the direction that's being taken in international treaties regarding environmental protection. It leaves us outside the direction that even the government of Canada is taking. It means that we are not keeping up with the current best standard in protection of the population—a huge missed opportunity.

There was an opportunity here to bring in water conservation plans, to make that part of source protection. There was support across the spectrum: environmental groups, farm groups, conservation authorities. Everyone understood that conservation would make a difference, that conservation would reduce costs, freeing up funds to enforce this plan, but would also reduce demand on water so that there would be less fear of contamination.

**Mr. Khalil Ramal (London–Fanshawe):** I have the privilege to serve on a committee as a Chair, where I get the chance to tour the province of Ontario with my colleagues from both sides of the House.

First, I want to commend the minister for the great job she is doing on behalf of all of us in this place. I believe,



if this bill is passed, it will be not only a birthday gift to her twins but also a gift for all the people of Ontario, because it is very important to protect our water that comes from the lakes, rivers or aquifers.

I was listening to the member from Durham region. I guess he heard about the bill from whatever. He didn't get the chance or the privilege to tour with us. I listened to many people who came to us, who presented before our committee and told us about the bill and how important implementation of this bill is. We listened to their concerns. They came, and they have a lot of concern about who is going to pay for the expenses it might cost them if the bill passes. I was privileged and honoured to hear the minister talking about this section. We listened to people. We said that we can invest money to address their concerns and address their issues, which is very important for many people, for farmers, for landowners who came to us and told us, "We want to support you. We want to pass this bill because it is important to us, important to our drinking water. But some costs might occur. Who is going to support us?"

Our government, in a responsible way, came out and said, "We can invest—invest in the science, invest in the conservation authority, invest with the municipalities, invest to make sure that all the people, the landowners and the people who drink the water, will be in good shape, will be protected," which I think shows how much the minister and the government have taken full responsibility to deal with the people of this province.

1610

**The Deputy Speaker:** Questions and comments? Response?

**Hon. Ms. Broten:** I'm very pleased to have a chance to respond to the comments that have been made and to emphatically state once again how proud I am to be part of a government that is moving forward with such a historic piece of legislation.

I want to suggest to my friends opposite that you can't simply wish to deliver clean, safe, abundant drinking water for future generations. You have to take action. You must take steps. I would suggest to my friends opposite that our historic scientific investment of \$120 million on the science of water is one of the biggest uploads that we have ever seen a government undertake.

We believe in the science of drinking water. We know that we need to have that information to ensure that we have clean, safe drinking water for generations to come, and we are putting our money where our mouth is: \$7 million with respect to implementation and the stewardship program, a down payment with respect to those communities that will be ready to take that early action.

As we've said in the past, this is a long process. We need to get that science collected, but some of those communities across the province will be ready to take early steps, and we will be there with them to take those early steps. That is why we have received the support from those in the agricultural community, those in the environmental community, those in the municipal community.

This act is inherently precautionary in nature. That is the premise of the Clean Water Act: to prevent contamination to drinking water in the first place—hard lessons our province has learned in the tragedy in Walkerton, lessons that we don't want to see repeated. The Clean Water Act is one part of our overall government, Ministry of the Environment and other ministries' strategies to ensure that we have clean, safe drinking water for generations to come.

**The Deputy Speaker:** Further debate?

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I'm pleased to have the opportunity to rise and to speak on Bill 143, the Clean Water Act, on third reading. It was first introduced on December 5—for those watching at home, a little update—and we've been in second reading, and then we were out on committee. I know a lot has been said about the committees and the hundreds of submissions that were received, both oral and written, on Bill 43.

We want to say, and the member from Durham has said, that John Tory and the PC caucus fully support the concept of clean drinking water. What we clearly do not want to see is more bureaucracy, more downloads from the McGuinty Liberals on the backs of municipalities, landowners and rural Ontario.

The government certainly heard and saw the same submissions that we did. Protecting our water supply is vital to everyone. We all want clean water. But, as the minister stated, there are some municipalities that are further ahead in their source protection plans, because they've been doing them. In the estimates of the environment the other day, we heard that the conservation authorities and municipalities had been studying source water protection before the bill was even introduced, so the fact that they say the bill was needed in order to do source water protection plans is not correct. They had the tools in the Environmental Protection Act and the Ontario Water Resources Act, and some of the municipalities and the conservation authorities were doing this already. Sure, they needed more funds, and that was set up and some funds were flowing from the government before the legislation was introduced in order to aid them to do this study.

So three years into the mandate, the McGuinty Liberals introduced legislation, provided no basic details, passed this responsibility to municipalities, and provided property owners with no security that they won't be required to cover the cost and to implement the work of protecting watersheds.

My colleague the member from Oxford, Mr. Harde-man, introduced a resolution last week, on Thursday, in private members' business, and it read as follows: "That, in the opinion of the House, the proposed provincial-municipal fiscal and service delivery review, which will not be completed until February 2008, after the next provincial election"—please note the timings of all the announcements by the McGuinty government; it's not till after the next provincial election—"is needlessly drawn out and that a full review to balance the delivery of ser-



vices with the ability to pay should be completed much more expeditiously, in order to avoid hitting Ontario taxpayers with unsustainable property tax hikes or significant reductions in service.” The resolution is in perfect and significant relation to the impact that Bill 43 does have on municipalities.

So as towns and cities throughout Ontario, especially rural Ontario, are struggling endlessly to maintain services—they’re fighting to keep taxes from rising—there’s a desperate need for the provincial-municipal relationship to be reviewed, we agree, because at the end of the day, Bill 43 is a clear abdication of responsibility on the part of the McGuinty Liberals and the Ministry of the Environment. It’s an abdication of responsibilities and a placement of the implementation of this legislation, which they have every intention of taking full credit for, on to the backs of municipalities and landowners. That’s why this legislation was brought up. They had the tools within existing legislation. This is all about downloading on to municipalities and landowners.

What’s worse—and that’s what’s terrifying municipalities. I was at the convention of the regions and counties and single-tier municipalities up in Haliburton county. It’s being hosted at the Pinestone inn in beautiful Haliburton county. I asked them, and they are terrified. They’re terrified of the unknowns, of the costs, and I’ll get into that further on down the road. They don’t have any idea what the proposal of costs and implementations might be, and I think the better way to do it was to use the existing tools, work with municipalities, work with the conservation authorities and see where the risk areas are. That would have saved a lot of confrontation and a lot of anger in rural Ontario. But they chose not to do it that way. Justice O’Connor said it was a provincial responsibility. So I firmly believe it’s abdicating provincial responsibility in this essential service of source water protection.

So the government sees no problem in dictating new regulations, only then to disappear from the picture when it comes time to pay the bill. That’s the download that is occurring. This is the pattern we’ve seen from day one of Bill 43. Whatever the policy merits are in any piece of legislation, it’s unfair that the province is going to impose new requirements on municipalities and then not do anything to help them pick up the bill. Seven million dollars is an insult. I’m going to read into the record some of the testimonies later on about the costs that different organizations brought to our attention, and \$7 million—you couldn’t even hear that sound in the bucket. Not at all.

**Mr. Norm Miller (Parry Sound–Muskoka):** It’s billions.

**Ms. Scott:** Yes, the price tag is billions, but they don’t know. Again, they’re downloading without knowing the cost, but it’s got to be billions, and that’s according to some of their own ministry’s estimates and their reviews. Anyway, it’s the pattern of the government with this legislation to dictate, abdicate, procrastinate and—I forgot one other thing—to take credit for. This type of

irresponsible attitude is corroding. The municipalities can’t do this. It’s unrealistic that you think municipalities and landowners can bear the burdens of these costs. It’s unrealistic. So you’re leaving all of us in rural Ontario, and that’s where we went on the committee travel. We didn’t go to as many places as we should have gone. We didn’t go to northern Ontario. We didn’t go to south-western Ontario. The farthest we got that way was Walkerton. But there was no shortage of people doing presentations to us, and those who could make it—as I said, we didn’t go to two areas of the province that we really should have gone to, to hear the views there.

Only a McGuinty Liberal would not understand that it is patently unfair to delegate such a massive administrative undertaking to municipalities without being straight about how much these required new initiatives will cost. Is the province going to step in, in any way, to help them? I mean, sure you had some comments about the stewardship fund which we all heard about. It was announced. But \$7 million to go with that stewardship fund—like I said, it doesn’t make any sense, and it’s more of an insult than anything else.

All across every place we were, it was financial participation by the province. Justice O’Connor said the province should have a lead. They say they meet some of Justice O’Connor’s recommendations. They far from meet all of them. I don’t know how you can expect municipalities to plan on a go-forward basis within their budgets. Sure, it makes sense to do the watersheds and work with the municipalities to plan together. We’re not disputing that. But it’s how it’s being done. That’s why we’ve been standing here opposing the bill, getting stakeholders to come to the meetings to say, “This is how this is going to impact us, and it’s impossible. We all want clean water, but you’re not giving us the tools to do that.”

1620

My colleague from Oxford put forth his resolution last Thursday and, despite government opposition, it actually passed. Good for him. We got the numbers and it passed, so I congratulate the member for that. I suppose the interesting thing will be to see how this government responds to the passing of that resolution. But the point is very clear: For local governments to plan and manage effectively, they must have some certainty with respect to financial arrangements.

Bill 43 does nothing to ease municipalities’ minds when it comes to that burden of responsibility. If something is deemed to be in the provincial public interest such that a law or regulation is required, then it is worthy of provincial financial support in furtherance of that public interest objective. So if we all want clean water, we should all contribute to it. Bill 43 does not provide that, and that is absolutely critical in order to achieve source water protection.

The last study of municipal services was nearly 10 years ago. So we now have a resolution from my colleague from Oxford, passed in this very Legislature, that’s requesting that this government not dodge and



weave this matter until after the next election—they've put it down to February 2008—but take some responsibility and get this done before the next election.

The fiscal gap between the municipal transfers and the cost of services is estimated by the Association of Municipalities of Ontario, AMO, to be over \$3 billion.

*Laughter.*

**Ms. Scott:** That's what they say. My colleague's laughing, but that's from the Association of Municipalities of Ontario. The Minister of the Environment says, "Hey, let's throw Bill 43 on top of that. We don't know how much it's going to cost you, but it's going to be your responsibility. We're going to download that to you."

Who knows what that estimated number from AMO is going to be, should that legislation take effect? Who knows what type of services municipalities are going to need to reconsider in order to deal with this government download for the responsibility of source water protection without the proper financial support? Who knows what the tax base will increase to for rural Ontarians who are tax-burdened to death? Many of us are already struggling to keep farms on the land.

I said earlier today that in the city of Kawartha Lakes chamber of commerce, which represents about two thirds of my riding in the Kawartha Lakes area, 50 farms went out of business last year. This is more regulatory burden on them, more costing on them, more land that could be taken out of their use to try to make a living off the land. There's no way that farmers and landowners are prepared, without financial assistance, to implement what this government is requiring them to do. You're taking the club instead of giving them the carrot. They want to work with you. There are no better stewards of the land than rural landowners and farmers. You're beating them up on it. It's punitive charges, a draconian way in which to deal with them. They can't. They just cannot.

Putting the municipalities in the middle between the property owner and expropriation of land without compensation is totally unfair. It threatens family farms, the landowners, it threatens cottage owners in my area, agriculture businesses and municipalities at a time when they cannot afford any more cost burdens. We're just driving them out of business. Farmers are small businessmen and we're driving it. The province of Ontario has created an environment that's driving small businesses out.

The minister knows what was brought forward during the review stage in the committee. She knows the concerns and the anxiety in the farming communities—the landowners, the mining communities—all across rural Ontario. I could go on and on—the presentations. You could palpate people's anger in the room. The parking lots were overflowing. The signs were out. These people are not protesters by nature. They didn't want to come out and take time away from their land to do that, but it's survival. You're taking away their ability to have a livelihood from the farm.

It's clear from the vote on my colleague from Oxford's resolution that the members of this House want

this municipal services review to take place and not put off until after the next election. There is no way that a piece of legislation such as Bill 43 should be thrown onto the backs of municipalities. The municipal services review resolution must be implemented, and I challenge the members of the House opposite to do that. The House leaders are listening; put it on the agenda and move it forward. If that's what you want done—a municipal review—move it up, because all the municipalities want to see that take place before the next election, and what you're going to do about the imbalance between the municipal and the provincial governments. I challenge the Premier and the Minister of the Environment, even before considering Bill 43, to move on to that review.

A very good friend of this Legislature, Hazel McCallion, who comes and sits on one side and on the other side, comes often. She said that the review is needed now. Hazel has got a lot of respect on all sides of the Legislature. There is just no way that Ontario municipalities can withstand this heavy-handed approach to downloading responsibilities by the McGuinty Liberals.

The agriculture impacts of this so-called Clean Water Act are viewed in much of rural Ontario as—and we heard it—the end of their way of life. That's pretty serious when statements like this are used. It's seen as one of the most serious threats to property ownership and rural independence. It's being credited as the single greatest threat to prosperity for Ontario's already struggling farmers. Farmers unequivocally support clean water, but they oppose this Clean Water Act and we oppose the name. You made it a political name instead of doing the right thing, which was using existing legislation, doing a study of source water protection and working with municipalities, land owners and conservation authorities, because the Clean Water Act is not going to result in cleaner water. It's all about the heavy-handed approach, about regulations, permits, enforcements and penalties.

As I said, the agriculture community has been working with managing their land and watersheds for years now. Who better to work with? There's no good in their doing anything to harm their land; they make their living off it. They have been doing it for generations. They want to preserve their land for the next generations of their family to work with. So we should be saying as legislators, "How can we improve the quality of our water supplies and who is responsible for paying the cost?" The answer is that improving the quality of water supplies will benefit us all, so we all should bear the cost. We heard that time and time again in the committee. But the McGuinty Liberals have, certainly, a different agenda. Farmers are going to bear the cost; urban areas will enjoy a lot of the benefits, if there are any.

Under the Clean Water Act, McGuinty proposes to create source water bureaucracies which will regulate private land, tell farmers what they can and cannot do on their land and then penalize them for failing to comply. The farmers don't get a say. These people have worked with environmental farm plans, nutrient management plans before. They all want a co-operative approach to the environment.



I'm going to read in some of the stakeholders who were worried about the punitive nature of the Clean Water Act.

In Walkerton, which was our second day of hearings, we heard from David Murray of the Dairy Farmers of Ontario, who told us that Bill 43 is "overly punitive and not a positive improvement over existing legislation to improve Ontario's drinking water quality or risks."

The Christian Farmers sent Glen Duff to the Walkerton hearings to warn the McGuinty Liberals of the costs associated with the proposed legislation. According to Glen Duff, "One of our major concerns is the fact that the proposed act calls for the development of a plan without ensuring farmer participation or, for that matter, participation of other landowners."

Allen Hughes of the Grey County Federation of Agriculture states that "the goals of the Clean Water Act can best be met by education about water quality and quantity protection and preservation for all users and by providing financial support to the landowners affected by restrictions." Allen Hughes makes a good point: Education and preservation, combined with financial support, make an excellent formula for clean water.

1630

Bill Wymenga of Ontario Pork provided committee members with a well-reasoned criticism of Bill 43: "First, it is our view that the current legislation is overly punitive and does not make a positive improvement over existing legislation to improve Ontario's drinking water quality or risks. All impacted business and landowner groups agree that it is vital to have a safe and reliable source of water in this province. At the same time, it is important to bear in mind that high standards for drinking water are already in place in Ontario. Further, there are laws in place to regulate and punish polluters. In this context, it is difficult to understand the business case and administrative need for additional rules, regulations and enforcement protocols."

He went on to say, "Our concern is that the bill goes beyond what is reasonable and shifts the burden of proof to the landowner. In our view, provincial regulators currently are charged with the responsibility to scientifically demonstrate an adverse effect from an existing normal farm practice. Under Bill 43, the process is reversed and the agricultural landowner must satisfy the municipal permit official"—now it's "risk management"; we don't know what the difference is, but I'll go on to continue with the quote—"that the normal, legal farm practice does not cause harm."

"Rather than creating a predictable and scientifically sound framework for managing legitimate risks, the proposed Clean Water Act establishes an ill-defined regulatory process that will likely result in overly risk-averse municipal permit officials inappropriately applying the precautionary principle to place an unfair and unnecessary burden on the landowner. Placing this level of technical responsibility and legal liability at the municipal permit official level is inappropriate."

That's not from me; it's from Bill Wymenga of Ontario Pork.

In Bath, Kim Sytsma of the Ontario Cattlemen's Association said, "It is our concern that the government is attempting to be all things to all people and nobody's going to be happy."

She goes on to say, "In order to get environmental groups to endorse Bill 43, the minister tells them what she thinks they want to hear: that the precautionary principle is integral to the act and pending regulations. In order to appease farmers and landowners, the minister figures the establishment of a safety-net-like hardship fund for those in need is what we want to hear. The government might think this is forward progress; in fact, it is backwards."

The Ontario Flue-Cured Tobacco Growers' Marketing Board, Chris VanPaassen: "To impose land use restrictions or require modifications on the basis of an assessment report alone constitutes a lack of due process that would result in landowners implementing practices that are unnecessary or inappropriate. There is ample protection currently offered through the Environmental Protection Act to deal with situations that are identified in the assessment report as providing an imminent threat to groundwater or surface water."

As you can see, the fierce opposition to the Clean Water Act is coming directly from impacted stakeholders. It's not just farm groups that are worried. You don't have to be a farmer to be a rural landowner, and rural landowners are worried as well.

It is the reverse onus. It's terribly unfair. It's a pattern of this government: You are guilty until you prove that you're innocent. It's totally inappropriate and is not conducive, again, to achieving what we all want, which is source water protection.

Jacqueline Fennell of the Leeds and Grenville Landowners Association charges that Bill 43 is "targeting rural Ontario individual property owners" and "creating a whole new bureaucracy of people who are going to be permit officials who are going to be coming on to our property whether we like it or not, possibly excavating and changing the layout of our property...."

She goes on to say, "I would suggest that you already have legislation to keep our water clean, if you would only use the legislation you have: a section of the Environmental Protection Act, which clearly protects all water in Ontario. In essence, there is no greater protection for the environment than what is already legislated in the Environmental Protection Act."

That's what we've been trying to say, and that's what Justice O'Connor said in his recommendation: You have the tools already. Get on with source water protection planning. Don't bring in more legislation, create more levels of bureaucracy.

But you didn't listen to him. Instead, you brought in Bill 43 and you downloaded it onto municipalities as an unfunded liability to them.

The Ontario Landowners Association says, "Bill 43 targets individual, private landowners as the villain for clean water, as a danger to our environment." He goes on to say, "Section 14(1) of the Environmental Protection



Act—people should all read that. Under the present Environmental Protection Act, no contaminants, no pollutants can be put into water or air. The Ministry of the Environment has full authority and jurisdiction to prevent any contamination or pollution of our resources, and it is a broad, sweeping and all-encompassing section, section 14(1).”

So the tools existed there. The province was avoiding responsibility, and they just download it to the municipalities and the landowners. You could have done source water protection in existing legislation. That’s what they’re all trying to tell you. You didn’t need to bring this in, and especially the way you brought it in, with the heavy-handed approach in rural Ontario. They’re livid. If anyone was at the International Plowing Match in Peterborough county, you could hear it, loud and clear: “Rural Ontario is under attack by the McGuinty Liberal government.”

Other landowners groups:

“The Clean Water Act is a dream come true for conservation authorities who will be given enormous powers under this law. As source protection authorities, the conservation authorities will appoint unelected and unaccountable source protection committees which will write source protection plans. These plans will have the legal authority to override any decisions made by municipal councils, planning boards, even the Ontario Municipal Board. If a municipality’s official plan or zoning bylaws don’t suit the source protection commissars, they will be overruled.”

They further point out, “Once the source protection plan is in effect, the committee will tell residents which activities will be prohibited unless carried out in accordance with the bureaucrats’ weapon of choice.”

I just can’t believe that we live in that type of a society—these heavy-handed, do-as-I-say officers who are going to come in and not work with our rural property owners, our agriculture community. We have nutrient management. One of the things that many farmers have been asking is, “We are already complying with nutrient management so why did we need the confusion, why did we need the duplication?” They’re already doing due diligence.

My colleague from Haldimand–Norfolk–Brant, Mr. Barrett, personally chaired at least 18 days of hearings on the nutrient management regulations. But the Clean Water Act—the minister said there was a lot of consultation from first reading. It certainly didn’t look like it. By the time it got to second reading here in the Legislature, it was a mess, further proven by the fact that over 240 amendments were introduced in clause-by-clause.

So the farmers are already doing due diligence, and they’re going to have some more rules and regulations you’re going to force them to implement that they are going to have to pay for. I mean, they’re farming now. You don’t hear stories of great polluters out there. If there’s a problem, MOE comes in. Maybe there’s something wrong with the Ministry of the Environment,

then. Do they have all the proper tools? I think they do in legislation. Maybe they don’t have the resources.

It’s interesting to note that nutrient management used to be co-administered by the Ministry of the Environment and the Ministry of Agriculture, but the McGuinty Liberals made it the exclusive domain of the environment. They did not listen the agriculture community. I remember when that took place—a huge amount of uproar within our agriculture community. They wanted it kept under the Ministry of Agriculture and Food because they understood their industry. They could work with them. They knew how farming practices went. So once again, it’s a broken promise by the McGuinty government. They didn’t make agriculture a priority ministry.

The Ontario Farm Environmental Coalition—OFEC is its short name—did a great job of analyzing the bill and putting recommendations forth. They actually did meet with the minister prior to the introduction of the bill—they admit that—when the minister said she had consultations. But they also said that, as the bill was presented, that was not what they had spoken to the minister about, not the changes they had wanted to see. They took a lot of time and made a lot of good suggestions. I introduced them as amendments. Sad to say, none of them got passed at the committee. But they say, as indicated by Justice O’Connor, there’s an expectation of public funding to support such endeavours as source water protection, and making public funding available to farmers for environmental improvements is good public policy.

1640

On the topic of public infrastructure renewal by Minister Caplan, when he spoke recently at the Rural Ontario Municipal Association conference, he indicated there was a need for \$30 billion to \$40 billion to upgrade municipal water and waste water systems. It’s imperative that the infrastructure renewal relating to wellhead intake protection recognizes the potential off-site impacts associated with the municipal drinking water supply and adequately compensates impacted landowners.

Municipal water supply systems serve the general public, therefore public funding should be available to provide the level of protection appropriate for raw water being destined for municipal use. The government’s own Ministry of Public Infrastructure Renewal already indicated the need for \$30 billion to \$40 billion to upgrade municipal and waste water systems, so that’s why we say the stewardship fund of \$7 million is a drop in the bucket. There are other studies out there—and I’ll mention them later on—from other groups on the amount it’s going to take.

The Ontario Sewer and Watermain Construction Association does studies to maintain the pipes so that the pipes are clean to deliver the water. That’s essential. They’re saying it’s billions of dollars to update. So when you say source water protection, you’ve got to take into consideration the aging infrastructure that’s out there, the studies that say billions and billions of dollars are needed



to update that system so that the pipes are there to bring clean water to us and so that the waste water is taken away and there are no leaks from them. That's why we say this is a ridiculous amount of money, this \$7 million. It's not even going to touch anything. You have to put it in perspective. I can't explain enough the laughability of just \$7 million. You think you've made stakeholders happy? Come on. You're not even close.

The Ontario Farm Environmental Coalition goes on to ask for other definitions, and a lot of this legislation has been put in regulation, so we're not going to know what it's like. Again, it's the unknown. They make suggestions for the definition of "risk": "Risk = Hazard + Pathway + Exposure." This distinction is critical for the farm community.

It says that they prefer the word "hazard" rather than the term "significant drinking risk." They use the example that "storing 100,000 litres of fuel may be viewed as a significant threat, whereas storing only 10,000 litres of fuel is not. In our view that is not the intent. The intent is to distinguish between a threat that is a managed one and one that is not."

Again, the rural community, the farm community, was not listened to. They're concerned about the definition of "adverse effects" and "significant groundwater recharge."

We talked a lot about the composition of the source protection committees, which are given an enormous amount of responsibility. They want a better understanding of how these committee members are going to be selected and how the committees are composed with regard to representation—agricultural community, municipal. Is it going to be fair? Are we going to have qualified people? Are they going to represent the six sectors that are in the source protection area? We're going to have to wait and find out a lot of things in regulations. Again, legislation by regulation—defer, defer. When are the regulations going to come out? Is there going to be enough time to comment? Are you going to have public hearings on them?

Also absent from the legislation is the clearly defined role of the source protection committee after the source protection plan is submitted. They feel the source protection committee has an important oversight role and should not be abandoned.

The consultations: They were very concerned with many sections of the bill, and I have to tell you that in committee some sections were totally rewritten. The government introduced 100 amendments on its own, so I think that speaks for itself to how flawed the legislation was initially.

Landowners should be notified of the requirements for consultation and submission of concerns. I've been telling you, and I think all of you know, that we all want to work together collectively for source water protection, but you've got to have a communication system so people know when they're going to have inspections. They can work with someone—we don't know who that is going to be and what qualifications they have, but

someone who's going to help them develop a good environmental plan. It's not clear how this is going to be done. Again, what's not in the bill has created a lot of fear and anger in rural Ontario. So impacted landowners have to be given that opportunity for terms of reference in the assessment report, because there could be mistakes and they have to be corrected, and if you don't know, you can't correct the mistakes. So landowners need to be notified.

Interim progress reports—like I said before, the Ministry of the Environment exists there now, so an interim report should not be the basis that people can be charged upon. Until the final source protection plans are brought out, there should be just what's with the Ministry of the Environment now and the implementations and the oversight that they have now. Again, there could have been problems and no one has had enough of an appeal process in place.

There are so many parts of this bill that—the Ontario Farm Environmental Coalition said that if farmers are required to incur additional expenditures just to meet the requirements of the act, they must be eligible for funding. We have a stewardship fund set up now, a little bit of money to start. We know some of the advisory panel members. We don't know what qualifications the members—will everything, will engineering be represented? Should they be represented? We see that Ron Bonnett now has a new position as an advisory member on that panel, so we're hoping that the farm community has good representation on there.

In situations where negotiations between the landowner and the risk management official break down, the Ontario Farm Environmental Coalition says that there should be some form of mediation. The members who represent rural Ontario know the Normal Farm Practices Protection Board works well. It's again people who know the industry, who can talk with the affected landowners. So you can work co-operatively. This process is going to be taken away from them and decisions made by people who may not know the agricultural industry as well.

It goes on that the inspection process—the environmental farm plan that exists on a practice be taken into consideration, but confidentiality has to be maintained. So the process of how that's going to be implemented and worked with is creating a great deal of anxiety in rural Ontario. They recommend that appeals be done at the existing Normal Farm Practices Protection Board, not the Environmental Review Tribunal. Again, it makes a lot of sense.

Subsection 88(6), expropriation without compensation—well, did we hear a lot about that, and rightly so. The Ontario Farm Environmental Coalition recommended removing it entirely. We tried that in committee, in clause-by-clause, and that didn't work. But we put that forward, to remove it entirely, because expropriations, whether named or not, require appropriate compensation. Expropriation can mean 20 acres, 50 acres or 100 acres that the farmer can't use any more, so the land use is gone. His ability to work that land and derive livelihood



from it is gone, and there has to be appropriate compensation.

We've heard time and time again that subsection 88(6) is offensive, lacks due process and lacks accountability, and there's no question that it does that. Why the government would want to bring in that heavy-handed approach I don't understand. The government says, "Don't worry about it. Everything will be fair. We'll take care of it." Why would we believe anything they said? Broken promises trails just continue all the time.

The \$7-million buyout program that was introduced after much flak—I don't think the government really thought there would be that much pressure on the Clean Water Act, even though we tried to tell them before that this is bad, "Change it now, go out even after first reading, after the introduction of the bill, on a tour of rural Ontario and hear for yourself." But this \$7-million buyout, as I said, is a drop in the bucket. It doesn't even get close to what the needs are going to be for the municipalities and the landowners in order to implement this so-called Clean Water Act. Really, I just have to say that it was a public relations exercise.

1650

The numbers we heard from such people as the Ontario Sewer and Watermain Construction Association at the public hearings—allow me to quote from Mr. Frank Zechner's comments:

"To the best of my knowledge, no cost-benefit analysis has been done," which we've been saying. "The cost of doing all these studies"—just the studies—"may ... be \$1 billion over five years, I don't know, or maybe \$200 million. I don't know what the cost is for everyone to comply with the new requirements in Bill 43, but there is a cost there. If the people of the province of Ontario agree we should spend an extra \$1 billion of our scarce resources on source water protection, fine; that's a priority and there's going to be less money available for treatment plants, less money available for inspectors, less money available for the piping systems. I think you have to move with a balanced approach. You have to look at all of these needs, and if you only have \$1 billion available over five years, don't put it all into one. Have it measured out. If there are fewer reports, maybe the cost of complying with Bill 43 could be reduced to \$200 million instead of \$1 billion. I don't know what the dollars are, I haven't seen anything, and certainly I'm concerned about, when you're establishing basically an entirely new bureaucracy, what the cost of that might be."

The minister thinks \$7 million is going to do the job. Let's get in the real world here. Infrastructure needs alone say that it's just a paltry amount.

I'm going to go on with other groups that quoted monies they would need to accomplish source water protection. I know that the Ontario Ground Water Association argues that "there is little to assist with the problem of rural abandoned wells and those still in use that are in need of upgrading"—which all affects source water protection. "The Ontario Ground Water Asso-

ciation continues to advise the Minister of the Environment that the province has vast numbers of abandoned wells that could once again act as direct conduits for contamination to enter Ontario groundwater aquifers. The release creates the illusion"—this is the Ministry of the Environment release from September 19 about the \$7 million—"of funding to protect all drinking water. The \$7-million provision does not cover privately owned wells."

The government has paid no attention to abandoned wells or upgrades to wells that are not up to code with regulation 903 of the Ontario Water Resources Act. You have no idea. You just plucked \$7 million out of the air and said, "That's good. That'll do." We've heard and heard from people that it couldn't even be anywhere near close to what's needed. They're not even looking into abandoned wells: where they are, if they're providing contamination to municipal wellheads. We have no idea. "We'll ignore that sector because we can't deal with that right now." So source water protection just isn't going to include abandoned wells.

What that funding really is—we've seen this type of action many, many times before—is just a smokescreen. It's another attempt by the government to buy off important action until after the next election, to say anything to get elected, that it's okay. You've got some quotes, people saying that it's a good first start, but the government says, "No, no. That's good. Everybody's happy now." But it's not even close to being a good first start. It just puts a smokescreen over this huge download onto Ontario municipalities and rural communities. That's why you brought in this legislation. It isn't because you needed to bring this legislation in. You had the tools to do it under existing legislation but you chose to try and bring Bill 43 in, to kind of sneak in that little unfunded liability to municipalities and landowners—"You guys take care of source water protection"—and you got caught. You got caught in the committee hearings and you got caught as we travelled out across Ontario. But the \$7 million—we're not buying it. It's a smokescreen, and it's not even close to what's going to be needed. But we don't know what's going to be needed, because you guys didn't do your homework before introducing the legislation. It's like putting a toonie aside: "We're going to build that hospital over here later, but we'll start with this toonie in the piggy bank." It's just laughable, as I said.

I mentioned the huge amount of amendments. There were over 240 amendments that were brought in. It was a tough couple of days of clause-by-clause. It's unfortunate. I think there was only one NDP amendment that got passed. None of ours got passed.

The Chair himself, the member from Etobicoke North, made a startling statement at the end of day two when he said: "I would like to thank all members of the committee and staff for their endurance and patience. This, I am told, is the bill that contained the most amendments in this, the first McGuinty mandate, and possibly in the history of parliamentary democracy."



That's a quote at the end of the clause-by-clause from the member from Etobicoke North. I don't think that's something to be proud of, but he thought it was of a great thing. I would say that the legislation was horribly flawed. This proves it was horribly flawed, not something to be proud of, when their own McGuinty government brought in 100 amendments.

Why didn't you listen to the people before? Why didn't you listen to the consultants? Why didn't you go out and talk to more members of the farm community, and if you did, as you say you did, why didn't you listen to them? Why didn't you change the legislation before you brought it in for second reading?

Everybody wants clean water. The way you brought it in, we're not going to get to source water protection. As I said, you didn't even need to bring the legislation in. You could have used the existing tools that are out there in the Ontario Water Resources Act and in the Environmental Protection Act.

Even the Premier himself said it best at the plowing match in Keene: "We put this legislation out the door, and it made its way around rural Ontario through committee, and it became pretty obvious that we didn't get it right." Big surprise there. "We got a whole lot of push-back from farmers saying, 'It would impose undue financial hardship on us,' and we understand that."

We on this side of the House could not agree more. That's what we've been trying to tell you since you introduced Bill 43—the fundamental flaws within the legislation. They shoved it out the door as quickly as possible before any real form of consideration.

Another thing: It's the front-line people that this bill's going to affect. Go talk to them before you bring this in.

There are more amendments to this bill than there is content—a 35-page bill with over 240 amendments. It's amazing how quickly the government can draft a bill on the fly. It was changed immensely. It's still the biggest download onto municipalities and landowners. You still can't get away from that. That's what you are doing, and that's why you had to bring in the legislation. When you say that you consulted before you brought in the bill and then you make over 100 amendments, before then you didn't listen or didn't really do the consultation you should have done. Legislation by amendment is certainly no way to govern the province.

There were no public hearings after the clause-by-clause. When you change the bill that much, you should go back out in public hearings. Let's give people time to digest. Let's give the stakeholders time to digest what was in the bill and get some more feedback from them.

They disregarded every amendment from our caucus, the Progressive Conservative caucus. These amendments were put forward following direct consultation with stakeholders: the Association of Municipalities of Ontario, the Rural Ontario Municipalities Association, the Ontario Cattlemen's Association, the Ontario Environmental Farm Coalition—as I said before, we put forward all their amendments. You voted them all down over

there. That's just to name a few of the amendments that came forward.

From what I can see, consultation has a very different meaning in the McGuinty Liberal caucus. It's telling people how to do things, telling them to do it and pay for it themselves, then going to the public and saying, "Hey, look what we did." You guys are good at making those press releases, making everything sound wonderful, but you don't do the implementation. You don't help the municipalities. You don't help the landowners in this case provide source water protection. It's abdication of your responsibilities.

In the well water sustainability report, which is the expert panel report of January 2006—of which I don't believe anything has been implemented. You guys are good at getting reports, and they sit on the shelf and get dusty. They say in the expert panel report, "Land users need to be assured that any alteration in land use beyond normal due diligence will be compensated as the alterations are done in the interest of the public good."

#### 1700

Even from the Canadian Environmental Law Association, CELA:

"It is essential that there be a sustainable and reliable approach to funding the implementation measures contained in source protection plans, which includes a mechanism for the equitable reallocation of funds.... We would prefer that there be a dedicated fund that is not subject to competing priorities of general revenue in the annual budget-setting exercise.... Other models could include a source protection fund, such as the Manitoba water stewardship fund," which we've heard used many, many times as an example by stakeholders who made presentations. So this government didn't have to reinvent the wheel. We were already pointing out the Manitoba stewardship fund, which is in operation in their legislation, and you could go by that. But I'm sure that even in Manitoba, \$7 million wouldn't go very far.

The Ontario Mining Association made a presentation to the committee. They recommended clarification of the terms "drinking water risk" and "significant drinking water risk."

They said, "This industry has for many years had in place regulation of water use and quality that meets or exceeds worldwide standards. Therefore, the creation of a new regulatory structure—that is, the creation of source protection committees with the power to identify members of our industry as significant drinking water threats, whatever that may come to mean—was not encouraging news.

"I would ask you to put yourself in the shoes of our industry for a minute. After decades of development involving various government agencies, an efficient and impressive standard of water protection is now in place. We are now being told that this will be overlaid with a new and, as designed, overriding authority granted to members of a new committee and new designated provincial authorities. Many of these players will have no experience with our industry, no expertise in water



protection issues and no appreciation of the regulatory structure already in existence. These persons are given extraordinary powers to create uncertainty and delay in our activities by identifying potential significant drinking water threats to source protection, raising issues that will doubtless take years to resolve. We are disappointed that this government does not recognize that for major industry sectors where water regulation is well developed and successful, handing over authority to those new to these issues poses an unnecessary risk and may not succeed."

He addressed three specific matters within the legislation. He was "concerned about the vagueness of the definition of a 'significant drinking water threat,' as well as the lack of timelines inherent in a process that could take years for the resolution of such a designation. Ultimately, such a threat could be found to be not significant or, even if significant, the issues could be dealt with by reduction of the risk.

"While the OMA welcomes public participation under existing structures, it can be anticipated that such a designation could be used as a tool by some to oppose, delay or negotiate changes to existing or proposed mining operations. Again, I would ask you to put yourself in the shoes of our industry, as you pick up your national paper one morning and find that your company or operation has been identified as a significant drinking water threat, knowing that it is in full compliance with all federal and provincial legislation. Further complicating matters is the knowledge that the resolution of whether this designation is appropriate will take years to unfold. You must recognize the chilling effect of the path that you are considering, particularly given that you are putting such a determination largely in the hands of non-experts."

Industry is scared. Businesses are scared of this legislation. You're going to drive them out of Ontario. The CFIB, the OCC—they all made presentations to us about the impacts of this.

Don't Forget About Small Business was the title of the presentation by the CFIB, the Canadian Federation of Independent Business, on the Clean Water Act. They make the point that more than 60% of small agribusinesses are not satisfied with the way the government has communicated Bill 43 and almost 20% have never heard of the act. Certainly they didn't want to hear about it when we informed them that they'd better have a look at this and what impact it would have on them.

Where were your communications to tell them? Where were your consultations with them? Is the McGuinty government against small business? Are they ignoring Bill 43's negative impact on small businesses? In its survey it says that small agriculture-based businesses "have little or no confidence in" the ability of "the Ministry of the Environment to regulate source water protection."

I think you guys should have a heads-up on that. If they're saying that to you, they have no faith in the government to protect agribusiness. You better pull up your

socks. You better do a better job. I would be embarrassed if I was a government and I couldn't work with the CFIB on legislation—and such a download to municipalities and landlords, driving business out of Ontario.

In Kawartha Lakes, the Lindsay and District Chamber of Commerce came to appear before us. It's an unfair cost burden for land users. Bill 43 threatens to "put some businesses and farmers at a competitive disadvantage. While one business that has been operating under currently acceptable standards is unaffected by the legislation, another will find itself burdened with additional costs, simply due to its proximity to a water source."

Some existing businesses and agriculture producers are doing due diligence under today's laws. I can't say that there are headlines saying that the businesses aren't up to practice. The Ministry of the Environment is out there. There are already laws. There are already reviews. There are already inspections going on.

**Mr. Gilles Bisson (Timmins–James Bay):** Really?

**Ms. Scott:** They probably need more resources. Yes, I think they need some more help.

I think we should do something about the loss of faith from the general public in the Ministry of the Environment. I think the government should listen to that, because we need to do better. We need to have the Ministry of the Environment to be strong and for people in the communities, like the small agriculture-based businesses, to have more confidence in the Ministry of the Environment. So I think we have to look at that seriously.

Bill 43 threatens to put this additional cost on farmers and landowners when they can least afford it. I was even surprised at how many farmers have left my riding in the last year because they just can't make ends meet;+ they can't stand the regulatory burden. It's sad, and it saddens me. The process isn't moving fast enough. The environment is not conducive. They're moving to other provinces. They're telling their kids who had wanted to get into the family business, "You can't go in it. You're not going to make a living. I can't see what the future of farming is for you."

We have statistics from the Dairy Farmers of Ontario on how much quota has left my riding and several other ridings. It's a crisis in my riding. At the plowing match, you had the opportunity to meet so many farmers in a casual way, and they could talk to you and tell you of their problems. It breaks your heart. I can't see that in Ontario we would want to lose more farmers, we would want to lose more of our rural economic livelihoods. Our people within that community will see rural communities go down, and it's because of bills like Bill 43 that you're bringing in. It's like one more nail in their coffin. You don't want us to succeed in rural Ontario. We can't wait and hope it gets better when the government goes out and we get a government that is more sympathetic and more supportive of rural Ontario, because without a strong rural Ontario, there is not a strong Ontario.

They're not getting that message. The farmers are here all the time. They're not happy. I can't believe that you, the government over there, think that you're co-operating



with the farmers. They are barely hanging on. They're a very proud group of people.

When you bring something like the Clean Water Act down upon them, no wonder you got so many people out at the committee hearings, no wonder you heard a hundred people who came out, no wonder you had more than that in submissions. They are fighting to say, "What are you doing to us? We all want source water protection, but the way you've brought this in, my gosh, you'll never be able to achieve your goal and we'll never be able to stay in business or survive." So it is a huge reality.

I'll go into the costs again. I wanted to try and bring some figures in from my municipality, the city of Kawartha Lakes. Since 2001 alone, the city of Kawartha Lakes has spent in excess of \$25 million for upgrades to the various plants to bring them in line with existing legislation, which is the Safe Drinking Water Act. In many cases, the costs on a per customer basis exceeded \$30,000. I'm trying to bring this in perspective to you of how much it's going to cost in rural Ontario. We all want clean water, but this is the burden that the municipalities are under. Before, they were able to get some OSTAR grants, but there's no way you could ask a household to pay \$30,000 in order to comply with the Safe Drinking Water Act. They have to have assistance. There's just no way they could do that, unless, I guess, they sold up and moved over. But I know the city of Kawartha Lakes has done its best. They had to take over 28 drinking water systems and upgrade them, and it's just an enormous amount of cost. As we've said, we all want to provide clean water, but the burden on rural municipalities is just—it's impossible that they would be able to cope with the costs for doing that.

1710

I know, Mr. Speaker, I've almost used my hour up, which is a lot. But there's a lot to deal with in terms of implementation of this legislation. Like I said before, municipalities, rural communities, landowners as well as the farming, the agriculture communities, are in a position where they are going to be held accountable for implementation of a provincial responsibility. Again, Bill 43 is a provincial avoidance of responsibilities. My colleague from Durham has stated that the legislation is by regulation. The regulations are what will hold the key to this legislation. The government has done a good job of pushing it off until after the next election probably, but that's where the next big debate is going to be, in the regulations, what they're going to mean. It cuts the general public out of that process.

The Ontario PC caucus put forward a series of amendments that would have better publicized any regulation changes and would have provided the option for public hearings around the significant regulation changes, like what went on with the Nutrient Management Act. That's what I'm trying to put forward, but the Liberals voted against that and the amendments that we brought forward at committee. Bill 43: expropriation without compensation, reverse onus on to the landowner to prove that he is not guilty—a horrible way to do this in our society. I

don't think the Liberal government and, "Don't worry, trust us" is going to work. We'll be voting against this legislation.

**The Deputy Speaker:** Questions and comments?

**Mr. Tabuns:** I appreciate the efforts of the member for Haliburton–Victoria–Brock. I know that this is a complex bill and a complex issue. I disagree with her in part. I don't think that this bill will be disastrous for rural Ontario. But I have this to say: She is entirely right when she talks about the movement of substantial portions of this bill into the regulations. So we, as legislators, are asked to vote on a bill within which very crucial definitions are left undefined. They're a blank cheque. In committee I referred to them as a pig in a poke. We don't know what "significant drinking water threat" is going to be defined as.

I'll talk to that at greater length in my leadoff, but you have to ask, what happened to this government that three years into its mandate, going into its fourth year, four months after first reading, we still don't have a definition for a key element in this legislation? So not only do we in the opposition not know what the vote is about, the government doesn't know what they're voting for. The members on the government benches don't know what this bill will actually mean in practice.

That problem of undefined terms came up time and again in the debate and it came up when we were out hearing from the people, hearing their testimony. They wanted to know what this meant. There was a lot of lack of clarity. People asked, is this a drinking water act or a clean water act?—two very different things. Is it a municipal water protection act or a general water protection act? Well, I can tell them, the broadest scope is a safe drinking water act, not the term that's used to define this bill.

**Mr. Ramal:** Thank you for giving me a chance to respond to the member from Haliburton–Victoria–Brock. I think she's the critic for the opposition party for that portfolio. I was listening to her carefully, what she was saying, and I agree with the member from Toronto–Danforth. That bill is not that bad for rural Ontario. This bill came to protect the drinking water. We listened to many fine people who came to speak to us and they were okay with it. They brought some concerns to us. We sat; we listened to them. That's why we brought forward 100 amendments, to adjust the bill in such a fashion as to please the people who live in the farming communities. We believe strongly that we're supposed to support the farming community because the farming community supports us, feeds us on a daily basis. That's why our job as people who get elected to this position, is to protect the people of Ontario, especially the farming communities.

She was reasonably good in the committee when we were trying to discuss many different issues, unlike other members from her caucus, because I think she understood the issues and she saw the government coming forward with a lot of adjustments, a lot of regulations, a lot of amendments to please the people or to listen to the



people who came to us from the farming community and asked us for some kind of support. So we came with the funds, \$7 million, as a good start to invest in conservation authorities and \$2 million for scientific studies in order to launch good education material for farmers on how to protect water sources, whether rivers, aquifers or the lakes. Because it's important, not just for the farming community but important for all of us in the province of Ontario to make sure every community—it doesn't matter how small or large—should be protected by our government, by our laws.

**Mrs. Christine Elliott (Whitby–Ajax):** We all agree that we need to have a safe and reliable supply of clean drinking water, but frankly this legislation misses the mark. This was tacitly recognized even by the minister, who tabled over 100 amendments to this act; in some cases, a wholesale rewriting of pages of the act. Yet, despite all of these amendments, there still has not been a significant way to deal with some of the concerns that have been raised by our farming and agricultural communities. The voices of many members of our communities have been ignored, but this is a particularly important group. The Dairy Farmers of Ontario have expressed concerns at committee hearings, and I'm paraphrasing them, to say that, "Our concern is that" Bill 43 "appears to shift the burden of proof to the agricultural landowner.... The process puts the onus on the agricultural landowner to show ... that the normal ... farm practice will not cause harm. Rather than creating a predictable, uniform and scientifically sound framework for effectively managing legitimate risks," the bill "establishes a regulatory process that could result in overly risk-averse municipal permit officials applying the precautionary principle to place an unfair and unnecessary burden on the landowner."

Farmers in Ontario are already under significant pressure. Bill 43 imposes requirements that they cannot manage on their own. If we, in a society, want a safe and reliable system of clean drinking water, as we all do, then there should be some shared responsibility for this. Farmers should not be left to manage the financial requirements under this bill alone. I know that the response to this is to suggest that the stewardship process and fund will manage this, but to suggest that a multi-million dollar problem can be solved with \$7 million is laughable and, frankly, it's an insult to our hard-working farmers.

**Mr. Bisson:** I've got to say this issue has been around for a while. It has been a thorn in the side to many people, I think, in rural and northern Ontario, either in the farm community or people who have to operate businesses, trailer parks or whatever it might be, because we all agree with what needs to be done, that we need to make sure that our drinking water is safe. I think we've learned through the tragedies of the past that in fact we need to have tougher water regs.

But one of the basic problems here is that if you're going to demand these higher standards, which I think most of us can agree with, we need to find some way to fund it. It's a little bit unfair to come on to some of the

owners of some of these individual properties and to put them in the position of having to spend a lot of money in order to meet water regs on water that is already safe. There are a number of areas that I represent where people are drawing water from wells. That water is tested, there's nothing wrong with it, but we want to maintain a higher standard. The real challenge the government has is to basically figure out how it's going to do this in a way that's affordable to the taxpayers and the citizens and the people that this bill will affect. I think the goal is fine; the problem is, this bill is not going to get them where they want to go, because at the end of the day you're going to have a lot of people who are going to be out of compliance.

1720

I want to put on the record again, because it's an opportunity to talk about water, that I'm a big advocate that we should take over all water testing and regulation on reserves. I think it's a terrible record we have with our federal government, where community after community—about 80% of them—is not able to drink water out of the tap of their communal systems, and about 60% of all water systems on First Nations in Ontario are under a boil-water advisory. If people think that Kashechewan was just one example of how bad the water situation is on reserves, I'd invite people to come to a whole bunch of other communities across the north, like Marten Falls, to find out the exact same thing is happening. The quicker we bring that responsibility to the province, I think the faster we're going to be able to find a solution.

**The Deputy Speaker:** Member for Haliburton–Victoria–Brock, you have two minutes to respond.

**Ms. Scott:** I appreciate the comments from the members for Toronto–Danforth, London–Fanshawe, Whitby–Ajax and Timmins–James Bay.

You're right. The issue of source water protection has been around for a while and we all need, as legislators, to get it right. We had the tools. The government had existing tools to do source water protection planning, to work with municipalities. Justice O'Connor said you have the tools in the Environmental Protection Act and in the Ontario Water Resources Act. That would have been a better first step: Use the existing tools, define where the high risks were, work in a more conciliatory approach, use the carrot not the stick. We heard it time and time again from people and stakeholders that presented: "We all want clean water."

This bill is all about avoiding provincial responsibility for clean water, downloading onto municipalities and landowners without sufficient funds. This \$7 million is a joke and we've heard all day why it's a joke. It's a joke. You didn't do it the right way. You've created a lot of anger and confrontation in rural Ontario. You proposed 100 amendments yourself. It was flawed legislation from the start. Does it fix it all? It's not even anywhere close. Is it better? Well, I guess a little bit better. But it's not going to achieve source water protection, which we all want. It's another example of the government saying, "Put it in regulations. We'll deal with it later, maybe



sometime, we don't know when. Trust us. We'll handle it."

Why would they trust the present Liberal government, with their litany of broken promises? I can tell you, my riding does not feel comfortable with the changes in Bill 43, deferring to regulations. They wanted more in legislation and that's why this legislation is wrong.

**The Deputy Speaker:** Further debate?

**Mr. Tabuns:** The issue that we're dealing with here today is quite significant: significant in terms of human cost; significant in terms of financial risk, both to communities and individuals.

We're debating this bill today because in May 2000 the drinking water system in Walkerton, Ontario, was contaminated and that contamination led to death; it led to long-term debilitating illness; it led to illness that was transitory but substantial for a few thousand people; and it led to costs in the millions of dollars for the people of Walkerton and the surrounding community.

It was clear in the hearings that we held in Walkerton that people are still suffering from the after-effects of those events. I reread this weekend the summary of Justice O'Connor's history of the events and I just want to read it here, because I think people have to have in their minds while they're debating this issue precisely what's at stake. Justice O'Connor writes:

"The first indications of widespread illness began to emerge on Thursday, May 18, 2000. Twenty children were absent from Mother Teresa School, and two children were admitted to the Owen Sound hospital with bloody diarrhea. On Friday, May 19, there was an enteric outbreak among residents of a retirement home. People began to contact the Walkerton hospital, other nearby hospitals, and local physicians to complain of symptoms of enteric illness, including bloody diarrhea, stomach pain, and nausea. Most students stayed home from school.

"Over the next several days, illness spread quickly in the community. The Walkerton hospital was inundated with telephone calls and with patients visiting the emergency department. Patients were air-lifted from Walkerton to London for emergency treatment. The first person died on Monday, May 22.

"The story of the outbreak involves much more than a description of the clinical symptoms of the illnesses, the medical treatment, and the numbers of people who became ill and died. Most important are the stories of the suffering endured by those who were infected; the anxiety of their families, friends, and neighbours; the losses experienced by those whose loved ones died; and the uncertainty and worry about why this happened and what the future would bring."

Think about your own home. Think about your own community. Think about your family and the schools in your neighbourhood. Think about the nursing homes in your community and the impact that this sort of event would have on you. Think about the worry, people wondering, asking, "Why is this happening? What's going on? Why is everyone sick?" The human burden of

this calamity was profound, and the human impact of this calamity was huge.

But it went beyond that. It went to affect the economic status, the economic well-being of these people. In fact, a study was done during the course of the Walkerton inquiry to look at the costs, because we've been talking about costs today, and we'll be talking about costs for a while when we debate this issue. I'll read the concluding remarks:

"The terms of reference for this study were to estimate the tangible costs of the Walkerton crisis." There are more than tangible costs, but let's just look at the tangible costs: "I present a conservative estimate of these costs of approximately \$64.5 million. The actual tangible costs could well turn out to be higher, since I attempt to be conservative whenever it is necessary to make assumptions.

"The conclusion to be drawn from this study is that approximately \$64.5 million in tangible costs are at risk from any future water contamination incident of a magnitude similar to Walkerton's. Knowing the probability of such an event would help us to predict the likelihood of incurring such a cost."

When we talk about the cost of protecting the public, when we think about what it will take to actually put in place these systems, we have to recognize that failure to act—failure to act thoroughly, failure to act in a way that's well thought out and has the substantial impact that we want—means human costs, including death, that failure means substantial remediation costs and substantial direct economic costs.

These sorts of incidents are ones that all societies sanely, logically seek to avoid. The incident, the calamity, made us realize that in this province, all was not well with environmental protection, with public health, with the state of our water. It opened for us and for this government the question of the value of clean, uncontaminated water in Ontario. It's a fundamental need of any human society, of any human economy, to have clean, uncontaminated water, and that's what's before us today. How do we deal with this basic issue in this society?

Justice O'Connor was mandated to examine the Walkerton calamity, catastrophe, and to make recommendations on action needed to prevent its recurrence. His report, in turn, was examined by an expert panel. That expert panel was a bit shorter in its text than Justice O'Connor, but it touched on some vital points that I feel have not been addressed properly in the legislation before us.

1730

The implementation committee's report calls on the province to ensure that sufficient authority and sufficient financial ability exists for the relevant jurisdictions to implement their responsibilities. Now, that was something that came up time and again when we heard testimony in Cornwall, in Walkerton, in Peterborough, in Bath. That question of, "How will we pay for this?" came up time and again, and I don't think it's been adequately addressed in this act.



The implementation committee recommended that the province proceed with the introduction of volume-based water-taking charges to fund a portion of source protection implementation—an opportunity not dealt with, not grabbed, not taken advantage of in this act.

Now it also noted that the McGuinty government in December 2003 had declared its intent to apply water-taking charges. I would say 2003, 2004, 2005, 2006—it's had time to actually draft the legislation. It's had time to actually put that requirement in this legislation so we don't find ourselves fighting about who pays for what, so we find that we have a source of revenue that's related to those who benefit from the investment we will make in this province to keep our water clean and safe.

The implementation committee called for full participation of First Nations. They felt it was crucial to ensure that sources of drinking water in the province were protected. All of these elements—the catastrophe itself, the inquiry by Justice O'Connor and the implementation report—brought us here today for consideration of this legislation. Profound human tragedy, calamity, puts this on this floor today: What are we going to do about it? What are we going to do to make sure that we don't face this again?

When this bill was introduced in April, all the parties present in the chamber today spoke to this bill, and I want to go back to some of the comments I made at that time because at the time I expressed concern that the bill didn't really come to grips with the scope of the problem before us. I tried to make it very clear to the government what I felt was crucial, and I heard back from the parliamentary assistant that the government was listening, was concerned and would be addressing the concerns of all parties in the bill when it finally came back.

I said the bill lacked clear definitions for key terms. The bill didn't provide long-term funding to ensure proper administration and renewal of source water protection over time. That was a key issue. I expressed concern that the bill lacked time frames for implementation. We're looking at—what?—something like five years before this bill would be fully implemented. That's a long time: half a decade, well beyond the life of this government. Who knows what will happen in the elections in 2007? We could have two governments before the implementation of this bill fully plays out. Five years is much too long to wait for this bill to be in effect.

I expressed concern that Dalton McGuinty's commitment to water-taking fees—a promise he'd made in the 2003 election—was not addressed in the bill. I saw a further oversight—a major oversight—and that was the lack of the incorporation of the precautionary principle into this act, and I will address that at greater length. But those were a number of the most significant concerns that I expressed at the beginning of this process in this House. I've had a chance now to explore those issues in committee and in public hearings in a number of towns and cities in this province.

Before I go to my concerns, I want to first thank the citizens of this province who came and spoke before the

committee. Democracies thrive. Democracies must have the oxygen of public participation. People came out, they spoke, they were eloquent, they were passionate—they had prepared well. I can't say I agreed with everything every person said—I didn't—but I was extraordinarily pleased and happy to see that people took advantage of those hearings and that opportunity.

I want to thank my colleagues, and then I'll get on to the less friendly stuff. I want to thank my colleagues who came along on those hearings. I thought people listened well, participated well and showed respect for the citizens.

I want to thank the civil servants, the staff who came, put up with us and made sure that everything functioned smoothly. They were great; they deserve a lot of credit.

Having said all of that: There were a lot of amendments that were made to this bill, that we considered over two days on clause-by-clause, and I was very concerned that the overwhelming bulk of amendments by myself—by the NDP—and by the Progressive Conservatives were simply rejected. I disagreed with a lot of the Progressive Conservative amendments, but there were a number that I thought were pretty solid and should have been accepted but were rejected. There were a lot that I put forward, as I had said, at second reading that bore on the substance and the quality of this bill and its ability to actually deliver the goods, and I'm quite concerned that they were not dealt with.

Now let me start into some of those major issues.

The first is the incorporation of the precautionary principle into the act itself, an act that the minister, earlier today, said was inherently precautionary. I moved two motions in this regard. The first was to define the precautionary principle, and in defining it I used what I think is a pretty good source: I used the definition that was used by the Supreme Court of Canada. I'll take their wording—we just inserted the drinking water section: "The principle that, where there is a threat of serious or irreversible damage to an existing or future source of drinking water, lack of full scientific certainty should not be used as a reason for postponing measures to prevent the threat." That's a definition that the Supreme Court found workable, useful and acceptable in a recent ruling.

Then I moved that the minister, the government, the bodies subject to provisions of this act, would be shaped in their decision-making, given a direction in their decision-making, by that principle of taking precaution to heart when making a decision.

Let's simplify the language, because there are people who find the term "precautionary principle" a bit too fancy. There's a very simple English phrase: "To err on the side of caution." All of us, at one time or another in our lives, have opened our refrigerators. Here and there we've found things that my partner refers to as "science experiments." I think it's a fair comment on her part on some of the things that are found there. But there are things that are on the borderline—chicken that's not quite right. So you always have a choice: Are you going to take a precautionary approach and put it in the compost,



or are you going to do an experiment with yourself to see if it's really bad? I don't recommend doing the experiment—that is, eating the chicken to see if it's really gone bad—because it's highly unpleasant.

**Mr. Leal:** You don't put chicken in the compost, do you?

**Mr. Tabuns:** Sure. In any event, most people take a precautionary approach to food that smells a bit off. They don't eat it. It's a fair, logical, sane approach.

Over 20 years ago, I was a property manager in a housing co-op in Toronto. It was relatively recently built. Actually, it was quite newly built. We'd just moved people in, and I had the variety of construction problems that you have to deal with after new construction.

One of those problems was that people were telling me they were having electrical difficulties, so I sent my maintenance worker out. She came back and said, "You know, some of that wiring in those circuit breaker panels doesn't look good. We've got three or four of them in different parts of the complex. That's a worry."

I called the architect who designed the building—a good guy, Bob Mutrie, if you ever a chance to meet him. He's quite a competent architect; done a lot of work in this city, good work. He knew a thing or two; he'd been around. I described the problem to him and he said, "You know, Peter, you really should bring in an electrician and just check a lot of those circuit breaker panels, because if you've got a problem there, you might have a fire." This was a 150-unit housing complex. That's pretty costly, fairly disruptive, and I said that to him. "Do we have to check the lot?" He said something that stuck with me to this day: "There are two things: One, you know, it's always better to err on the side of caution when you're dealing with electrical fire; and if you don't want to do it, think now what you're going to say at the inquest after the fire."

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So the next day I had the electrician go through the whole complex and, in fact, over a week or two we found that there was dangerous wiring in a large number of the units. The electrician, I'm sure, must have saved like five bucks on each circuit breaker panel by messing around the way he messed around, but he'd set it up so that we'd get sparking and fires, no question about it. I erred on the side of caution; I applied the precautionary principle.

Justice O'Connor, in his commentary, notes that there were residents of Walkerton who applied the precautionary principle themselves. They hadn't received a boil-water order but people were getting sick or had sickness in their family and decided to stop drinking the tap water because something was wrong and started drinking bottled water. They used precaution. They didn't think that the cost of bottled water was that high compared to the cost of getting sick. A precautionary approach was used on a practical basis by everyday folks trying to keep themselves healthy.

Justice O'Connor had some comments directly on the precautionary principle. He said: "One way to overcome the difficulties of purely rationalist risk management is to

err systematically on the side of safety." I like this guy. "A refinement of this approach is the precautionary principle, a guide to environmental action that has now been recognized in international law and cited with approval in a Supreme Court of Canada decision. This principle, which has been formulated in many ways, says that the absence of scientific certainty about a risk should not bar the taking of precautionary measures in the face of possible irreversible harm."

He goes on: "Recommendation 19: Standards setting should be based on a precautionary approach, particularly with respect to contaminants whose effects on human health are unknown."

In his additional comments, he talks about effectiveness; a principle for guiding decision-makers is the first principle of effectiveness.

"The second principle, a precautionary approach, flows from my view that decisions should be made with a view to the significant health risks that can result from improperly treated drinking water."

We've got, I would say, practical experience that people have in their everyday lives. We have Justice O'Connor, who had a chance to actually look at this event, a justice who had a sense, very directly from testimony of those affected, of what happened to their lives and their town when their water was not protected.

There are others who have had to face this problem. In 1997, the final report of the commission on the tainted blood scandal was released. A commission was conducted by Justice Krever, who commented on the management of the Canadian blood supply and the steps needed to avoid such a public health disaster in the future. He was interesting in his comments. I want to read a few of them to you, because I think they bear directly on whether or not public policy with regard to protecting the health of the population and keeping people from dying should have a precautionary approach written into it. He writes on assessment of risk, page 294:

"The Red Cross did not carry out risk-reduction measures assiduously. It did not appropriately weigh the competing concerns. Rather, it consistently used the absence of 'definitive proof'—ah, sound science—"of a line between AIDS and blood transfusion as a justification for maintaining the status quo. Its employees or officials repeatedly expressed the view that the threat from AIDS to the blood supply was not sufficient to require a significant change in its donor-screening measures."

He writes further, "The Red Cross should not have required conclusive evidence before taking strong action to reduce the risk of AIDS. It was given sound advice by its honorary counsel, Michael Worsoff, as early as 29 March 1983"—and he writes:

"The evidence of possible unacceptability of the blood does not have to be conclusive—the decision can be made on the basis of "reasonable doubt" as to its suitability. With reference to the AIDS problem in particular, the premise is not that Canadian Red Cross has to justify beyond any scientific doubt that there is a link between



the designated "high risk groups" and the development of AIDS since, if there is even a possibility of transmission via blood, Canadian Red Cross has the moral and legal obligation to protect the blood recipient above all." He goes on in that vein.

The establishment of the precautionary principle is the cornerstone of public health protection throughout the world where its effective precautionary approach is incorporated into it. This act is not only an environmental act; it is an act with regard to protecting the public health of people in this province.

In the course of going through committee hearings, in the course of talking with my colleagues, in the course of listening to those who have provided testimony, I've heard a comment regularly that all decision-making should be based on sound science, and I have to say that sound science makes a lot of sense to me. I think that these decisions should be made based on sound science.

But after a while, I began to understand that sound science didn't mean necessarily an assessment of evidence, the use of scientific principles that are used in other public health jurisdictions. Sound science, I think, is often used to say, "Unless there's a body, unless we know there's going to be a body, unless you've got conclusive proof that somebody's going to die, don't do it." In that instance, the term "sound science" is not used to advance the protection of people in this province; it's used to block the protection of people in this province. It's a smokescreen.

In 2001, Ken Ogilvie, head of Pollution Probe, authored a paper on the Application of the Precautionary Principle to Standard Setting. He noted that Health Canada had recognized the duty "to act in the face of scientific uncertainty and the potential for serious or irreversible harm." Frankly, I think drinking contaminated water that will kill or maim people is substantial and irreversible harm.

So Health Canada has published a decision-making framework for identifying, assessing and managing health risks. That's August 1, 2000, so it's not that recent. The headline in one section of their framework is "Use a precautionary approach.

"A key feature of managing health risks is that decisions are often made in the presence of considerable scientific uncertainty. A precautionary approach to decision-making emphasizes the need to take timely and appropriate preventative action, even in the absence of a full scientific demonstration of cause and effect."

They note that, "This general concept has been expressed in a variety of contexts, especially in the area of environmental protection. The most widely quoted is principle 15 of the Declaration of the Rio Conference on Environment and Development (1992). In the Canadian context, the Canadian Environmental Protection Act (1999) provides that 'the government of Canada is committed to implementing the precautionary principle that, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.'"

Erring on the side of caution, on the side of safety, is simply common sense. Incorporation of the precautionary principle into an act that's meant to protect our drinking water, our lives, our health, is scientifically sound and it should have been part of this bill. It is a major error, mistake, misstep on the part of this government to set aside the growing body of knowledge that sets a standard for adequate protection of large populations, even small populations.

1750

I want to note who called for incorporation of the precautionary principle into this act, because we're not talking about fringe elements. The Association of Supervisors of Public Health Inspectors of Ontario; pretty straightforward, businesslike people who deal with keeping people alive and free from disease; Concerned Walkerton Citizens: They saw up close, really close, what it means when you mess up on this file. They called for application, incorporation into this act of the precautionary principle; the municipality of Brockton, which includes Walkerton; Clean Air Bath; Friends of the Tay Watershed; Canadian Environmental Law Association; Friends of the Earth Canada; Canadian Institute for Environmental Law and Policy; Friends of the Rouge Watershed; Friends of Rural Communities and the Environment; Federation of Ontario Cottagers' Associations.

So we had environmental groups, people who have been directly affected by the Walkerton calamity, cottagers, people who can picture the contamination of the water in their area.

People who spoke against incorporation of the precautionary principle were primarily farm groups. I want to digress for a moment and talk about the farm community, the agricultural community, and what they had to say to us, because some of the most powerful testimony that we had came from farmers. Many spoke very strongly against the application of the precautionary principle. As I listened to them, their concern was that there would be capricious application of the law against their interests by governments using this principle. These are people facing extraordinary difficulties—farmers. Farmers in eastern Ontario who came to speak to us talked about declining farm incomes, talked about falling crop prices, talked about depopulation. As an area depopulates, the value of real estate that people are sitting on that they hope to sell for retirement declines. These are people under tremendous stress. They feel threatened; they feel, and appear to be, under siege.

We have to address that larger question of rural survival, of survival of an agricultural community in this province. My leader, Howard Hampton, earlier today asked questions about the piecemeal approach to protecting rural areas. Continuing that piecemeal approach, continuing an approach that does not solve their fundamental problem, means that when they are confronted with what they see as just one other cost, one other backhanded approach by government, they will reject that, even if it is in their best interest to protect the quality of water that their families depend on, that their



livestock depends on, that their crops depend on. That whole issue is beyond the scope of today's debate, but that whole issue is bubbling out there. It's a very real issue, and we in this Legislature are going to have to address it, because if we don't address it, we will not be able to address many other issues that are crucial to those people and to city people.

It does come to one issue, though, and that's the question of incentives and assistance to farmers for changes they may have to make to protect our common heritage of water. It's not clear to me the extent to which they will have to make changes, and I think that's part of the difficulty they have. They don't know the scope of changes they'll have to face. I'm very concerned that although some funds have been assigned to deal with assistance and incentives, there is not a commitment to ongoing funding, and because we haven't dealt with or addressed the issue—"we"—frankly, because the McGuinty government has not addressed the issue of water-taking fees to provide an ongoing source of income, we are going to have these costs dumped on municipalities, on rural areas, ultimately on farmers, or nothing will be done—one or the other. That issue has to be addressed.

The question of the impact of this bill on rural communities, something raised very strongly by the official opposition: I think they overstate the negative impact. I felt that in the hearings; I feel it now. My worry actually is that this bill will leave farmers and other people in rural Ontario unprotected—not that it will disown them financially, but it will not give them the protection they need. I don't think we will be seeing seizures and catastrophic costs, as some have predicted. I just can't see that happening either in theory, based on the bill before us, or frankly in practice.

This bill has been substantially weakened since it was first introduced in the House. The official opposition is quite correct when they say that it was heavily rewritten at clause-by-clause stage: You bet it was, and I don't think that rewrite was to the advantage of rural Ontario; I don't think it was to the advantage of small-town Ontario. But I agree, there was an awful lot of shuffling going on in that particular instance.

The question of definitions came up with the official opposition. I raised it when we were at second reading. We have very substantial definitions left to regulation. Let's look at this again. In April of this year, as I said earlier, I raised this question of "significant drinking

water threat." What's the definition going to be? April, May, June, July, August, September: You know, time passes. There are some bright people in this building; there are some bright people in this province. They could have been assigned the task of writing a definition for "significant drinking water threat" so that all of us here would know what we would be voting on.

*Interjection.*

**Mr. Tabuns:** I see some curiosity on the part of a member opposite who says, "So where are these bright people?" There are a lot of them.

**Mr. Dave Levac (Brant):** Some here?

**Mr. Tabuns:** No, I didn't say they were in the Legislature, Mr. Levac. There are people. In any event, we have been given a bill where a keystone definition is left without any words that we can read to see whether or not it actually is of consequence.

So what does it mean? How does it apply? When do you have a significant water threat? Ontario Power Generation is going forward with a hearing for a deep underground dump, a DUD, for low and intermediate radioactive waste, close to the shores of Lake Huron. If a deep dump holding radioactive waste, low and intermediate, that will be radioactive for tens of thousands of years is not a significant water threat, I don't know what is. But I don't know if, under this act, it will be so recognized, so designated.

What's a significant water threat? If we have a hog barn sewage lagoon beside a creek that flows into a town where water is drawn for drinking water, is that a significant threat? We don't know. Or is a manure pile on rock that's fractured near a municipal well? I don't know; we don't know; no one in this House knows. If someone on the government benches does know, they aren't releasing that information so that we can make a decision. This lack of definition is substantially problematic for the government and for ourselves.

You've been very subtle and discreet, Mr. Speaker, in your signals. I understand we're coming up to the end of my speaking time. I gather I will have some time on another day to complete my comments on this bill?

**Interjection:** All of it.

**Mr. Tabuns:** All of it. I look forward to continuing.

**The Deputy Speaker:** It being 6 of the clock, this House is adjourned until 6:45 of the clock.

*The House adjourned at 1800.*

*Evening sitting reported in volume B.*

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**Official Report  
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**Monday 2 October 2006**

**Lundi 2 octobre 2006**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 2 October 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 2 octobre 2006

*The House met at 1845.*

## ORDERS OF THE DAY

### PLANNING AND CONSERVATION LAND STATUTE LAW AMENDMENT ACT, 2006

### LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À L'AMÉNAGEMENT DU TERRITOIRE ET AUX TERRES PROTÉGÉES

Mr. Gerretsen moved third reading of the following bill:

Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts / *Projet de loi 51, Loi modifiant la Loi sur l'aménagement du territoire et la Loi sur les terres protégées et apportant des modifications connexes à d'autres lois.*

**The Acting Speaker (Mr. Michael Prue):** The Minister of Municipal Affairs and Housing.

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** Speaker, I will be sharing my time with my parliamentary assistant, the member from York West.

I'm pleased to speak about Bill 51, the proposed Planning and Conservation Land Statute Law Amendment Act, 2006.

The purpose of this legislation is to promote better development in our communities by reforming the province's land use planning system. Bill 51, if passed, will make Ontario's planning system more effective by giving municipalities more tools to support good planning and contribute to more sustainable and well-designed communities. This bill would help facilitate the efficient use of land and infrastructure and intensification in appropriate areas. There will be more tools available to support community redevelopment and revitalization.

The proposed legislation will also contribute to greater transparency and more clarity within the land use planning system, including a more effective role for the Ontario Municipal Board. Clear rules and a more transparent process will help minimize lengthy delays and confusion within the planning system. This is an extensive package of important reforms that are part of our government's far-reaching vision to develop stronger,

more livable and more sustainable communities. The bill is part of our government's comprehensive plan to manage growth in a more strategic and intelligent manner. Ontario's economic prosperity and quality of life simply depend on it.

In metropolitan areas across Canada, governments are faced with significant issues relating to growth. Often these challenges are associated with sprawling patterns of development. I think we are all pretty familiar with how decades of sprawl have affected Ontario, particularly in the greater Golden Horseshoe.

Our province has experienced a series of interconnected problems, such as strain on our infrastructure services, gridlock, and a negative impact on our natural environment and agricultural resources. These are also the kinds of problems that cost Ontario's economy literally billions of dollars every year. I think it's quite clear that one of our government's top priorities has been to tackle these challenges over the last three years, and it is evident that we continue to make extraordinary progress.

Let me just take a moment to review our government's action when it comes to managing growth and building more sustainable communities.

We created Ontario's greenbelt—permanently protected 1.8 million acres of valuable green space in the greater Golden Horseshoe. This was a critical step to contain urban sprawl and to protect important agricultural and environmentally sensitive lands. The greenbelt is truly a legacy for our children and for future generations.

We further protected the natural environment by reaching a land exchange agreement to protect important lands on the Oak Ridges moraine. This agreement has resulted in the creation of a natural park on the moraine in Richmond Hill and a protection of major waterheads—headwaters; sorry—in southern Ontario. It will also result in a new sustainable transit-supported community in central Pickering.

### *Interjections.*

1850

**Hon. Mr. Gerretsen:** I'm glad that the member from James Bay thought that was funny. It shows that he's listening to what we have to say tonight.

Our government also donated over 3,500 acres of land to the Rouge Park, making it the largest natural park in an urban area in North America.

We have also proposed clean water legislation to protect the natural sources of Ontario's drinking water.

The provincial policy statement on land use planning—a key policy document on government direction—

was updated by our government to place a greater emphasis on sustainable patterns of growth, such as compact urban development, brownfields redevelopment, and the protection of green space.

*Applause.*

**Hon. Mr. Gerretsen:** Thank you.

In June, our government finalized a growth plan for the greater Golden Horseshoe. This is a historic initiative. For the first time in Ontario, there is a long-term approach to regional growth and development. Our growth plan focuses on developing complete communities, prioritizing transit investment, and increasing intensification. It identifies 25 urban growth centres to be revitalized as community focal points and centres of cultural, recreational and economic activity. It outlines a series of tests and criteria to ensure that urban expansion happens where it is simply most appropriate.

We've also introduced recently legislation to establish the Greater Toronto Transportation Authority to coordinate priorities for public transit and major regional roads. If this legislation is passed, this new organization will bring together the province, municipalities and local transit agencies to deliver a more integrated transportation network.

In our last budget, our government also created Move Ontario, a major new \$1.2-billion investment in the province's public transit systems, municipal roads and bridges. This will also help move people and goods faster, create jobs, and build a stronger economy. This investment includes \$838 million for public transit and it builds upon the commitments of our government that were made earlier to share provincial gas tax revenues to support transit systems, which is an additional investment of some \$680 million.

I believe that this is an impressive series of achievements. This illustrates the leadership that our government is providing. In three years, since taking office, our government has established a solid framework for sustainable growth and development. Rather than just devising a few isolated activities, our government has put together a coordinated and comprehensive plan—one that will allow our province to continue to prosper and meet the needs of our communities.

This is a plan that will enable us to benefit from the tremendous growth that we expect to see over the coming years through well-planned development that goes hand in hand with significant infrastructure investments. Bill 51 is a vital part of that plan, working in conjunction with these other significant pieces of legislation and different policy initiatives.

As I stated before, one of the key components of Bill 51 is how it provides strong direction on the way the Planning Act should be used to support sustainable objectives. For example, a key change proposed in this bill is to clearly establish a provincial interest in sustainable development that supports public transit and is pedestrian-friendly. This provincial interest would be explicitly set out in the Planning Act. This would also complement and strengthen related provincial interests as

already established in the Planning Act and dealt with in our provincial policy statement.

There are various tools in our planning reform initiative that will give municipalities a greater ability to support sustainable design and develop objectives through the land use planning process. Some of these tools relate to specific planning elements, such as zoning with conditions, the development permit system, community improvement plans and site plan control.

The expansion of site plan control authority is one significant area that would give municipalities a greater ability to promote innovative ideas and technologies that support sustainable development.

Expanded provisions for site plan control could encompass such areas as water-conserving landscape practices—yes, Mr. Speaker?

**The Acting Speaker:** It has been brought to my attention that the member for Timmins–James Bay is using a device which is not allowed in the House. I would ask him to cease and desist forthwith or take it out, because it cannot be used in here.

**Mr. Gilles Bisson (Timmins–James Bay):** In a second.

**The Acting Speaker:** No, I'm asking that you do it now.

**Mr. Bisson:** I'm in the process of turning it off.

**The Acting Speaker:** All right, within 15 seconds. Please take it out, and do not bring it back in tonight.

My apologies. Please continue, Mr. Minister.

**Hon. Mr. Gerretsen:** Let me just return again to the expanded provisions for site plan control. It would encompass such areas as water-conserving landscape practices, site layout and design that takes advantage of day heating and maximizes solar heat, storm water management, and the preservation of natural site vegetation and tree cover.

To use these expanded site plan control provisions, municipalities will need to include design and sustainability policies or criteria in their official plans. Municipalities would need to adopt site plan control bylaws and official plan policies that relate to these specific design matters. By linking site plan control to official plan policies, the intention is simply to create more transparency as there would be more awareness of what a municipality's policies are and what can be expected as applications move through the approval process.

As official plans are revised and updated, a highly inclusive and public process comes into play in which everyone involved in planning our communities, from the public to the applicants to community groups, will have opportunities to provide their perspectives.

In addition to establishing policies for sustainable design through official plans, municipalities will have the ability to work with developers to pursue additional sustainable design features, often related these days to energy conservation practices. They would include green roof technology, energy-efficient exterior building materials that can reduce heat loss and greenhouse gases, solar panels, and energy-efficient exterior lighting.



Bill 51 will further enable municipalities to consider—again through the parameters set out in their official plan policies—the exterior character, scale and appearance of proposed buildings in relation to the surrounding environment, something that has been needed for a long time. It could help encourage context-sensitive building design and more integration of historic elements into new developments. These measures will provide greater opportunities to shape the look and feel of communities across Ontario. Citizens will be able to see real physical improvements in their communities and how those improvements relate to the existing infrastructure.

Under Bill 51, sustainable design elements could also be incorporated into new subdivisions. Municipalities can consider energy efficiency as an integral component of subdivision design and more effectively integrate public transit into new communities along planned transit routes. For example, municipalities will have the authority to ask for transitways along streets and highways when approving subdivisions. There would also be opportunities for pedestrian and bicycle pathways.

Sustainable patterns of development will also be promoted by proposed changes to community improvement plans, which have such a critical role in supporting community revitalization activities such as brownfields redevelopment. Brownfield sites across this province have tremendous potential to accommodate new growth within existing built-up areas, quite often close to existing services. These sites are often near existing infrastructure and services, which maximizes efficiency and reduces the public cost associated with providing new infrastructure and services. I think that brownfields redevelopment can act as a catalyst for many elements that we generally associate with sustainable development, which is why we want to provide further mechanisms to support it in Bill 51.

1900

Under Bill 51 as well, the scope of community improvement plans will be expanded. For instance, new building construction that incorporates energy-efficient features can be included as eligible costs in a community improvement plan. Municipalities will also be allowed to register grant or loan agreements on the title of the land. This would provide more certainty for municipalities and will help developers in securing upfront financing for their projects. Furthermore, upper-tier and lower-tier municipalities can participate in each other's financial assistance programs that are part of the community improvement plans. Bill 51 will also enable prescribed upper-tier municipalities to establish their own community improvement plans for specific activities such as intraregional transit corridors.

We know that Ontario faces challenges when it comes to ensuring the reliability of our energy supply into the future. Over the past three years, our government has set the wheels in motion to bring on more energy supply than any other jurisdiction in North America. To support this, the potential exemption for some energy projects from Planning Act requirements has been proposed.

Currently—and I stress this—a similar provision already exists in the Planning Act with respect to Ontario Power Generation and Hydro One. We are simply proposing to extend it to other energy undertakings.

**Mr. Ernie Hardeman (Oxford):** It's not quite that clear, Minister.

**Hon. Mr. Gerretsen:** It's quite clear.

What I'm simply saying is that when it comes to energy projects, that exemption already exists in the current act. Surely everyone will agree that the number one issue is to keep the lights on in Ontario.

Speaker, you may also be interested in knowing that in the vast majority of cases, even though the exemption has existed in the Planning Act for hydro projects, those projects still go through the normal planning process. The other thing to keep in mind is that the environmental assessment that is called for for these kinds of projects will continue to be done, and the public will have their ability for input, just like they always have had before.

The proposed exemption is intended to be used only for those projects that are being inappropriately delayed in proceeding through the planning process within a reasonable time frame. This provision has been proposed because the province needs to ensure a safe and reliable supply of electricity to all Ontarians. Oversight would be similar to that which exists for OPG and Hydro One, which is to say that proposed projects would still be subject to the environmental assessment process and regulated by the Ontario Energy Board requirements. The public will still have its say. This has been the case before and it will remain so in the future.

Exemptions under these circumstances will not be automatic. They would require a regulation, and, as I've noted, this would be considered if projects faced inappropriate delays. Developers of energy projects will continue to be encouraged to work closely with municipal governments through the planning and environmental assessment processes.

A reliable supply of energy is crucial to ensuring that Ontario remains competitive and that our economy will continue to grow. We can all work together to make sure the lights stay on for the people of Ontario. That's our number one priority.

While our government recognizes that municipalities need more tools to help them grow in a sustainable manner, we are also aware that these tools will need to be applied in a transparent and accessible fashion. This means that our planning system needs to have more clear and consistent rules. We think one of the best ways to streamline the planning system is to put information, consultation and decision-making at the front end of the process. Everyone, in planning our communities, should know the mechanisms in place to support sustainable development, how this applies to them, what actions they can take to support these initiatives or what would be required to comply with a new planning framework.

Applicants need to know what is expected of them early in the planning process so that they can make informed decisions. That's why Bill 51 proposes that



municipalities be given authority to specify in their official plans what information a proponent must provide in an application. Municipalities need complete information and materials about proposed development so they can make informed decisions.

Bill 51 would also establish reasonable time frames for a municipality to formally advise applicants and prescribed public bodies whether applications related to official plan amendments, zoning bylaws or plans of subdivision contain required information and material.

The Planning Act would be amended to clearly state that all the information and material received as part of the complete application must be made available for public review. Furthermore, the public as well as applicants will be given more notice of proposed official plan and zoning bylaw updates through required public open houses, in addition to public meetings. This would provide another opportunity for the public to review and ask questions on all information and materials.

These are the kinds of changes that will help to minimize delays in the application process and ensure that complete information is available to relevant parties and members of the public.

I think we all agree that an engaged citizenry is an important part of a good planning system. In fact, when it comes to promoting sustainability, local residents and community groups often lead the way in creating and supporting inventive and resourceful initiatives. By promoting more public engagement, there could be greater opportunities to tap into the knowledge and ingenuity of our communities—taking advantage of best practices and finding more ways to incorporate innovative ideas about sustainability into local planning activities.

When it comes to providing further certainty in land use planning, Bill 51 proposes that municipalities would need to keep major planning documents up to date. Official plans would need to be updated every five years, and zoning bylaws would need to be updated within three years of the official plan coming into effect. Municipal planning documents would then reflect more recent provincial policies and direction.

Here again, there would be another opportunity for the public to have input into important planning issues. Under these updates, municipalities would, for example, need to take into account the province's emphasis on sustainable development as established by the new provincial policy statement, or the parameters for directing growth as set out in our government's growth plan.

However, if a municipality undertakes a provincial plan conformity exercise that includes a comprehensive planning review, it would not be required to update its official plan under a separate five-year review. This in turn would help municipalities streamline and manage provincial planning requirements and not be subject to ongoing planning updates.

Another way to support a consistent planning process and good decision-making is to make sure that the land use planning appeals process operates more effectively.

This, of course, leads to how to reform the Ontario Municipal Board, which is another key component of Bill 51.

Our government believes that the OMB still has an important role in settling land use planning disputes. We think that an independent public body like the OMB is best situated to manage appeals that deal with broader public interests in well-planned growth, such as official plans and zoning.

More local matters, such as minor variances for home additions, could be handled locally. So we're proposing that municipalities have the option of creating a separate local appeal body. Just as Bill 51 would seek complete information about a proposed development made available at the front end of the municipal planning process, the information the OMB would hear on appeal would generally be the information that was provided to the local council. However, if important new information were made available at OMB hearings, the board would have the ability to send that information back to the municipality for its recommendation, thus fully engaging the municipality in the OMB decision.

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To further emphasize public involvement at the front end of the local planning level, OMB appeals would generally be limited to those organizations and individuals who, at some point in time, participated in the planning process of that particular application. When it comes to the public fully participating in the OMB process, I'm very pleased to see that the OMB has recently announced the creation of a citizen liaison office. As a matter of fact, it announced that just the other day—I believe on Friday of last week. The citizen liaison office will provide information to the public about the OMB, such as how to file an appeal, the hearing process and the issuance of decisions. It will develop information materials about the OMB to assist the public and provide recommendations to the board on how to improve access to the OMB and the transparency of its operations. This would address a number of concerns that we heard when we held public consultations on OMB reform.

OMB decisions would also need to take into account the broader planning and growth management framework that the province has established. I believe it's increasingly clear to all parties what this entails: simply that sustainable patterns of development are one of the province's key interests. Municipalities know this, developers know this, the public knows this and the Ontario Municipal Board knows this.

This kind of clarity about the province's intentions, along with a streamlined planning system to support this sustainable framework, could, in the long term, help reduce the number of appeals and the duration of OMB hearings. In fact, I think there's optimism that, over time, this could contribute to a decline in what some people have characterized as a combative development process. There could even be more collaboration in planning and development from the start of the planning process.

From the beginning of our planning reform initiative, our government has certainly promoted a very collabor-



ative approach. Prior to Bill 51, we held extensive discussions and consultations with municipalities, planners, stakeholders and individuals from across the province. We talked with thousands of people and their organizations about how best to improve the planning system. In meeting with different groups and attending public meetings across the province, I was encouraged by what I heard: how our citizens believe that sustainable development and better growth management are crucial to the well-being of Ontario.

We've continued this important dialogue with the people of Ontario over the last several months. In August, the standing committee on general government completed public hearings and clause-by-clause consideration of the proposed legislation. After deliberation on the comments and perspectives provided by municipalities, planners, various stakeholders and members of the public, the committee recommended amendments that will further enhance Bill 51.

I sincerely appreciate the time and effort provided by the citizens of Ontario and by the members of the standing committee. Their participation has been extremely important. Their input will help us to implement planning reforms in the best possible way, reforms that consider both the short-term and long-term needs of growing communities, the need to protect precious green space and establish a more strategic approach to development.

Enormous growth has been projected for our province and our economy. There are tremendous opportunities ahead of us, but we will continue to face significant challenges if we don't change the traditional approaches to growth and development.

With Bill 51, our government continues to support a different perspective, one that considers a broad range of social, economic and environmental impacts that development patterns may have on future generations. We're continuing to develop a solid foundation so that sustainable development will continue to thrive in our communities, communities where there is an appropriate balance between green space and urban landscape; where there is a good mix of housing, jobs and services; where public transit systems evolve and have a greater role in transportation; and where brownfields sites are redeveloped, remediated and incorporated into existing neighbourhoods. This vision will not happen on its own, and it just won't happen by chance. It will come about when sustainable principles are significant priorities throughout the development and planning process, and Bill 51 is another major step in that direction.

I urge all members of this Legislature to support this vision and vote in favour of Bill 51. With that, Speaker, I will turn the floor over to my parliamentary assistant.

**Mr. Mario Sergio (York West):** I want to thank the minister for his rendition on Bill 51, yes indeed, as we move on further with the commitment in bringing in changes and assisting local municipalities to deal with local issues which are so important to them. I think it's important to recognize how we got here. Although the minister spoke quite thoroughly on some of the major

aspects of Bill 51, it is impossible to really do it justice in such a short time.

Let me say that we got here because of not only the commitment by the minister but also by the Premier, who, at the beginning of our mandate, said, "There is a demand, there is a need and I think we have to respond to the local municipalities to assist them and make them function better, more effectively and give them the tools they need in order to deliver that particular service."

So how did we get here? Having recognized that, both the Premier and the minister said, "All right then, let's introduce the bill. Let's go to the public and hear what they have to say." Indeed, we did so. We had quite extensive public hearings. I have to say that you yourself were at the hearings, Speaker, together with members of the official opposition. We heard from a vast sector of general industry, developers, individual constituents and ratepayers. We had school boards. We had people from the firemen's aspect. So we had a good cross-section of people representing the various parts of our province with respect to Bill 51.

To all of those, including the individuals who made the effort to come down here to Queen's Park and have their say, I would say thank you, because they have shown a particular interest. To all the deputants, both those who made a written presentation or in person during the hearings, I would like to say thanks to them as well. The members of both oppositions listened quite attentively to the various deputations. They were asking good questions, and I'm sure they have a good grasp of the content of the bill.

So we got here following a number of very important and serious deputations. What were some of the issues they brought to the attention of the committee, and who were those groups that had such an interest in making sure that indeed they were heard verbally at the committee level, to make sure that we paid attention to what they said? We saw mayors from various parts of the province. We had the chairman from the Association of Municipalities of Ontario, various ratepayer organizations and school boards. Somebody may say, "Why school boards?" I'll try and get to that in a second.

Let me say that, together with a compendium of other bills, the Minister of Municipal Affairs and Housing has already introduced a number of bills that we already dealt with, and others are coming. I think this one here is the second one that we are dealing with in two weeks. Last week we were dealing with second reading of Bill 130—again, part of making changes and bringing improvements to the Municipal Act.

What were some of those things that those groups from the local municipalities, industries, various agencies, but especially from the local municipalities, were asking for? For years they had been demanding that we make some changes and improvements on how the Municipal Act affects them, how they deliver service to the local municipalities.

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You, Mr. Speaker, have been mayor of one of our six municipalities here in Metro. There is nothing that affects



an elected councillor more, or a ratepayer's organization or an individual taxpayer—not dealing with who's in favour or who's not in favour of a stop sign—than planning matters, rezoning applications. Nothing is feared more by elected politicians, if you will, than when there is a contentious planning application in a particular area, and with good reason. I think Bill 51 goes a long way to making sure that, indeed, the tools which we are giving to local municipalities applying Bill 51 go a long way to make those improvements much fairer, much more transparent and much more palatable.

School boards, as I was saying before—you may say, “What does the Planning Act have to do with school boards?” Well, school boards often need to expand. They have more students, so they need to have maybe even five or 10 portables. God forbid, if there was discontent among the general community, saying, “We really don't like how tall it is, how wide, the colour of the portables. It doesn't have any cornices. It doesn't resemble the local neighbourhood,” you would appeal the decision of the local municipalities. That can cause a lot of harm, a lot of delay for the local boards, the local school and the local students as well. So I think it's fair that we recognize the fact that the school boards were asking—and we are making mention in the bill that we should recognize that the power being given to the local boards in siting, which means site approval, remains with the board, remains with those elected. I believe that those decisions have to rest, indeed, with the local school board.

Part of the comprehensive bill itself deals with giving local municipalities the power to deal with local issues, and we recognize that decision as being fair, that it should remain, should stay at the local level. Those municipalities were demanding it, and we have given them the power to form, if you will, local appeal bodies. What do they do? Why should those powers, those decisions remain at the local level? They deal with minor issues. Again, there are issues that the local municipality knows best—what is best for a particular area or a particular community—and I believe that local appeal bodies should be dealt with at the local level, with the decision staying, remaining at the local level.

Why is that? Again, if someone is disgruntled because he doesn't like a particular part of that application, they can go to the Ontario Municipal Board. I don't have to tell you, Mr. Speaker, as you have plenty of experience at the municipal level, what it means to appeal even a minor application to the Ontario Municipal Board. So we have made that particular change. We have recognized that, and we said, yes, local appeal bodies should be able to be formed by local municipalities and retain that particular power.

What does it constitute? This is a big bone of contention with both applicants—individuals, local organizations—and the Ontario Municipal Board. One big bone of contention which we heard was: What does a complete application, a rezoning application, constitute? I think we heard from both sides. The applicants said, “Well, we should be able to provide additional information up to the

last minute.” We said, “I don't think this will sit well with others,” that they should be able to bring forward any type of information up to the last minute. It was the same thing with councils. We said, “We want you to make a decision within a particular period of time. Otherwise, the applicant has the right to go to the Ontario Municipal Board.”

I think this brings good balance and it brings fairness. It's an area that we heard about at the committee level in a very extensive way, and we're dealing with this. I believe that this brings fairness to a very important aspect of delivering service in an important area for local communities, giving the power to the local municipalities, where now we are saying that the application has to be complete, and you have so much time—30 days, I believe—to decide if indeed the application is complete or not. If it isn't, the applicant has the right to appeal to the Ontario Municipal Board. At the same time, we'll know that the public will now know that an application is complete or incomplete. But if an application comes back with major changes, the applicant—in this case, developers—will have to start from scratch, and I don't think they are too happy with that. But we are saying that because we recognize the need for the local municipalities to make a decision on the full application, and I think this should be quite acceptable to individuals, local municipalities and local groups as well.

As usual, time is one of our enemies in here, and we don't have the necessary time to really say as much as we want to say or what we want to say. I can see that my 10 minutes are just about up.

Let me add that it is because of the various hearings and what we have received from the various presenters—and I hope that we can draw from the opposition side. I hope that when we finally deal with this particular bill in the House, it will be in such a form that it will indeed be a much better bill, one that will go through the House in a very expeditious way, and we'll take it from there. I hope that at the end we'll have everybody's support.

**The Acting Speaker:** Questions and comments?

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I'm very pleased to join the debate with respect to Bill 51. Certainly, this is another missed opportunity by the Liberal government with respect to planning and conservation in this province. This is tinkering—very, very finite, minute types of points that they're dealing with, in terms of dealing with who can do variances and who can do land development agreements.

We have some serious problems in this province with respect to planning. Quite frankly, the gridlock in my riding continues to be a problem as a result of leapfrog growth throughout Simcoe county—not the type of planning that you need to have in place to protect valuable assets like Lake Simcoe and our water resources and to make sure that the area is a community where there are employment lands, which is very important with respect to the growth that needs to come in Simcoe county. There isn't that type of planning, and it's not being put in place by these changes to the Planning Act. This is just



tinkering at the local level in areas that really don't have anything to do with how it affects planning within a community. So the serious problems that have to be dealt with in terms of planning to deal with gridlock and with leapfrog growth in terms of developers are not being dealt with here. Simcoe county was purposely left out of the greenbelt by the government with respect to how this area was going to be planned. What we're seeing is built-up development, which is now causing even more problems with gridlock, and no solutions by this government.

I'm not very impressed by this bill, and I don't think anyone else is who takes planning seriously in this province. They have a lot more work to do.

**Mr. Bisson:** I've been here for about 17 years now, and this is probably the 12th or 14th bill I've seen come to this Legislature when it comes to planning. What always amazes me is that we've never taken the time to really do the kind of comprehensive work that I think needs to be done to deal with the planning process.

The nub of the issue, as far as I'm concerned, is that those who want to develop want rules that are clear so that they understand what is allowed, what is not allowed and what is required of them, and citizens want to have the ability to know that whatever is happening when it comes to development is not going to impact on them in a negative way. There lies the rub. What we have here in this bill quite frankly is a bit of tinkering. Is it a bad thing? No, it's not a bad thing. Should we stand on the rooftops and yell, "Hallelujah; we finally figured out what to do with planning in the province of Ontario"? Absolutely not.

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We see in this bill things that are somewhat interesting as far as—I wouldn't say controversial, but at least counterintuitive to what you'd think the Liberals would normally stand for when it comes to things. One of them, which I thought was interesting, is that the appeals to the Ontario Municipal Board with respect to amendments of the official plan and zoning bylaws involve—hang on, where is that? I was just looking for the section. Basically, the Ontario Municipal Board hearings with respect to certain planning matters are generally limited to the information and parties that were before the municipal council, whose decision is being appealed. That, in a nutshell, basically says that if you're a citizen who hears about something that's happened after it has been approved by the municipality and is about to go to the OMB because either the developer or somebody has taken interest, and you haven't made comment at the municipal level, you can't go to the Ontario Municipal Board in order to bring your view about why you think this project should or should not go ahead. It seems to me that that's counterintuitive to what I thought Liberals stood for in opposition when it came to the Planning Act.

So, a very small baby step forward. Again, I think we've dropped the ball. We're not doing what we should be doing with planning in the first place.

**Mr. Jeff Leal (Peterborough):** I listened intently to the speech made this evening by the Minister of Muni-

cipal Affairs and Housing and his parliamentary assistant. Certainly, a number of points they made this evening on Bill 51 are very important. Bill 51 will allow municipalities to be provided with more planning tools, which would support the use of land, resources and infrastructure in a more sustainable manner, which is something we all would agree to.

Bill 51 also clarified rules and will make the planning process, in my estimation, much more efficient and much more transparent. Also, the Ontario Municipal Board would be reformed to make it a more effective and accessible body for settling land use disputes.

From my 18 years of being a municipal politician, those three points in themselves, which are contained in Bill 51, will be an important step forward in the province of Ontario. You have to take this bill in context with several other bills—the greenbelt plan, the Places to Grow Act, the provincial policy statement on land use planning and, currently, Bill 43, which is before the House. Collectively, with these pieces of legislation, including Bill 51, it's a significant step forward in the area of planning in the province of Ontario.

It has been supported by a number of prominent municipal politicians in Ontario:

Ann Mulvale, on December 12, 2005, said, "OMB reform is another one of the Liberal government's positive moves to make local planning decisions more sustainable"—very important.

Doug Reycraft, the new president of the Association of Municipalities of Ontario, is very supportive of Bill 51.

Michael Harding, the great mayor of Woodstock, is also very supportive of Bill 51.

**Mrs. Christine Elliott (Whitby-Ajax):** I'm also pleased to join this debate on Bill 51, which purports to, among other things, reform the Ontario Municipal Board.

We've waited for several years for this government to bring this type of legislation forward, but the problem is, as with so much of the legislation proposed by this government, much is left to the regulations. Frankly, we're left to guess what the government's true intentions are. Once again, it's a "trust us" kind of legislation that, given this government's track record, we need to be very wary of.

Mayor Ann Mulvale stated in her response to the minister's statement, "Our shared desire to reform the Planning Act, and more specifically the Ontario Municipal Board, is a good example of where our interests align. I cannot imagine that you would find a single municipality that would endorse the OMB in its present structure or a single municipality which would not support the government's commitment to changing it."

While we are generally supportive of the view expressed by Mayor Mulvale, we've heard this kind of thing before: a government that says all of the right things and then turns around and does something altogether different.

This bill purports to put land use decisions back where they belong: to municipalities. But, in actual fact, the government maintains the authority to override any



aspect of the Planning Act up to the date of a decision on an application, if it's in the public interest. It's no wonder that so many stakeholders are wary of this legislation, and frankly, we in the official opposition are as well.

**The Acting Speaker:** The member from York West has two minutes in which to respond.

**Mr. Sergio:** On behalf of the minister, I'd like to recognize and say thanks to all the members who participated in the debate: the members from Barrie-Simcoe-Bradford, Timmins-James Bay, Peterborough and, I believe, Mrs. Elliott from Whitby-Ajax. They all bring good points, and it's quite fair, and that is why we are here and dealing with third reading of the bill. I hope that, as we proceed with more discussion, more important aspects of the bill will be brought forward.

But there is one very particular and important aspect of the bill, and I hope that the members of the opposition will address and recognize that. It precludes developers from going to the Ontario Municipal Board prior to the local council having made a decision on a particular application. This has been such a big bone of contention with both local ratepayers' organizations and individual councils that, indeed, a large portion of the hearing took place on that particular aspect. We have recognized that this was unfair and we have addressed that through Bill 51. Indeed, we have addressed it in such a way that it's now very fair; it's very transparent. I think it is very acceptable to all parties—developers, local councillors and individual organizations. I think we have sent a very strong message to the local industries, to developers, builders, whatever have you, where now they have to come in with full, completed applications, and until council makes a decision they cannot go to the Ontario Municipal Board, bypassing the local council, unless council, of course, is unable to make a particular decision.

I hope, indeed, that we'll move on with this bill and approve it in third reading.

**The Acting Speaker:** Further debate?

**Mr. Hardeman:** I'm pleased to rise and have the opportunity to speak to Bill 51, the Planning and Conservation Land Statute Law Amendment Act. Mr. Speaker, you also, having had the pleasure of sitting through all the public hearings, will know that the main focus of the bill is, in fact, the reforms and changes to the Ontario Municipal Board and some changes to the Planning Act and the Conservation Land Act that, of course, were in there to deal with conservation lands and so forth. I think you would agree that most of the public presentations on the conservation part of the bill were benign and the public was generally supportive of that section of the bill. So I won't be spending a lot of time on dealing with that. I think the government had that one reasonably close to right, so they also didn't amend it much.

The issue that I really wanted to talk about, first of all, is the fact that the bill that we're discussing here this evening, as it relates to the reform of the Ontario Municipal Board and the Planning Act, is totally—I shouldn't say "totally," but is more than 50% different than the

original bill that went through second reading in this Legislature, because the government introduced 65 amendments in the original bill between second and third reading that are now, of course, in the act as we're having the third reading debate. Of those 65, some were, granted, smaller amendments, but in most cases they were whole sections, where, as we were going through the clause-by-clause, the amendment would say, "Removing section such-and-such and replacing it with the following." If you look at the act—and I have it here, Mr. Speaker, and of course you can't see it from here, but you have seen it before. The people at home can't see it, so I'll just explain it. As you go through, on each page we have the original act, and where it has been changed it has a line through the section that will no longer be there when the act is printed in its final form. Then, just below that is the section that replaces the one that is crossed out. It is, of course, underlined. As you look through the book, well in excess of half of the bill is either crossed out or underlined, replacing the part that is crossed out.

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The reason I mention that—I think it is so important, and we had considerable discussion in the clause-by-clause hearings—is public participation in the process. The government introduced the bill, we had second reading debate and then we had hearings for the public to come in and give us advice and recommendations on what needed to be changed in the bill to make it work properly, and secondly, what was good in the bill that should be left that way.

When the clause-by-clause is finished, of course, there is no further opportunity for the public or anyone to be involved, other than this Legislature as we debate it here. Incidentally, in the process, Mr. Speaker, you and I would both know that even in third reading, unless the government wants to adjourn the debate and call the bill to committee of the whole for further amendment, the government can't change it at this point, unless they refer it back to a committee for that change.

The bill we're discussing here today—the general public, including the municipalities, have not had an opportunity to look at the rewording to see if they have any further comments or different comments than they would have had when they were looking at it after second reading. I'm sure there's one, Mr. Speaker, that you're very aware of, and we had some discussion about that in the clause-by-clause as the changes were being made to section 23, and I'm sure we will hear more about that from other speakers.

Section 23, when it was changed to put that into the City of Toronto Act, where the original—after second reading, the bill didn't include Toronto in that section, and now it does. I'm not sure—well, I am sure they didn't have an opportunity to have public consultation with the good folks from Toronto as to whether they agreed with that change.

Again, I think that's what democracy and public participation is all about: to make sure the public has input into legislation so they can make comments on what the



government introduces. Then the government decides what to do with the comments. But when they make wholesale changes, that really takes away from that democratic process.

I want to start the debate on what parts of the Planning Act this bill deals with, as opposed to, as I said, the conservation act or the Ontario Municipal Board. I think my colleague on the Ontario Municipal Board—Whitby—Ajax, I think is the name of the riding—mentioned that in fact we're just playing and tinkering around the edges with Ontario Municipal Board reform. If you take away the public's part of it, of who can appeal and what can be appealed to the Ontario Municipal Board, the actual structure of the Ontario Municipal Board and the process—the main difference is only a word, which is that the municipal board must “have regard” to the planning authority or council's decision-making. It doesn't say they must be “consistent with,” that they can't overturn a council decision. It just says they must “have regard.” As far as the actual municipal board, that's the only change this bill makes to the Ontario Municipal Board.

There are a number of regulations the minister has suggested he may bring forward that will maybe change some of the other things, but presently, this act only does that one word with the Ontario Municipal Board. It does change, however, the public's ability to be involved in the process with the Ontario Municipal Board.

A very critical shortcoming in this bill is that it doesn't allow, as in the past, anyone who feels that a decision the council makes or that is made locally is not in their best interest, if they have a problem with it, regardless of when they found out about the application or when council was going to approve the application, they cannot—presently they can appeal that decision to the Ontario Municipal Board. They will no longer be able to do that. If they didn't present themselves at the public meeting and have their name recorded as a participant either through a written submission or an oral presentation, they will not be able to be a party to or appeal that application.

During the second reading debate on April 19, the Minister of Municipal Affairs and Housing said, “We think that Ontario citizens should continue to have the opportunity to appeal land use decisions that affect their own property and their communities.”

The question then is, of course: Does this act accomplish the minister's objective? Does this act allow citizens to continue to have the opportunity to appeal land use decisions that affect their own property and their communities? I don't believe it does, because in fact there are certain restrictions on who can appeal to the Ontario Municipal Board. You don't qualify just because you are a citizen whose property or community is affected by council's decision; there are more criteria before you can appeal. So in my estimation, this legislation does not fulfill that statement, although I do agree with that statement. But, again, the bill does not meet those criteria.

The bill actually reduces—and I think is intended to—the number of citizens who can appeal decisions that

affect their property and their communities. As I said, if you don't qualify because you were away on a vacation and you didn't hear about it or—and I think this will happen a lot—if you made the assumption as you got the notification that this application in all likelihood would not be approved and you were busy and couldn't go anyway, it's, “Well, it doesn't matter, because I spoke to the local councillor and it doesn't appear that council will support this application.” And then when you wake up, you find that they did, and you no longer can appeal it. It restricts the number of people who can appeal, so it does not, as the minister stated, meet the objective that he set out. I just want to point that out.

When I'm talking to my constituents at home, we speak about the role of government and the role of the opposition. As recently as last Saturday I met a constituent in the local supermarket, and he said to me, “I can't understand it, Ernie. When you were a member of government, you were always so supportive of what government was doing, and now you never seem to have anything positive to say about the government.” I said, “Well, sir, that's true. My job, that you pay me to do, is not to expound the virtues of government legislation. It's to point out, as the loyal opposition, where the government's legislation is not meeting the objective that they themselves had set out.” I think the public has a right to know. When the minister says, “This is going to make it easier for people to appeal, easier for people to be involved in the democratic process, the planning process in this province,” they have a right to think that's a positive, that in fact that's happening, that the government is not saying it just to get re-elected but are saying it because they're going to do it. In this bill, that is not what's happening.

On the right of appeal: On August 3, Smart Centres Management, a private real estate development company, said, “We all know that major Ontario Municipal Board hearings can be expensive and time-consuming for participants and that in recent years there have been several long hearings involving major retail proposals, but it is simply not right to try to curtail these hearings by creating a situation where entirely arbitrary decisions are possible.”

Again, I think that is a possibility. As this legislation restricts who can appeal, then obviously, if it doesn't go to appeal and the municipal board does not hear from those people—and even if it does go to the Ontario Municipal Board, it will be arbitrated.

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But it goes further, and this is where we get to section 23. Section 23 is the section in the bill that deals with energy projects and the fact that energy projects will no longer be covered by the Planning Act, so they will not need to deal with the local municipality if they're looking to site a generation facility for energy within a municipality. The minister mentioned in his remarks that this was something to do with giving the private sector the same rights as Ontario Hydro has always had, so it really is a non-issue. But to the public who presented, it is far



more than a non-issue. It isn't just the fact that Ontario Hydro had certain abilities before because it was a crown corporation—and incidentally, even if they did not have it, under this act they would still have it, because they were owned by the provincial government and the province has the ability at any point in time to override any municipal decisions based on what the minister calls the “provincial interest.”

But this section of the bill does more than that. First of all, it suggests that municipal involvement and community involvement in good planning is not necessary if it relates to something that is a necessity to society. I think we all would agree that building more capacity in our electrical system is a very important issue and should not be unduly held up by long processes. But at the same time, I think we also would all agree that when you're building—should I say it?—a nuclear generating facility, the community of the area in which it's going to go should have some say as to where the best place is to put that. They shouldn't just totally exempt it so they never even have to talk to the local municipality in which it's going.

The minister says, “Oh, that's not going to happen. The planning process will still be there. Municipalities will still be involved.” Well, the municipalities may still be involved through the environmental assessment process if the generation is going through that, but at the same time, they will not be part of the decision-making to choose alternatives. They will be able to be a party and put forward their position as to whether what is being proposed is good or bad, but they will not be part of trying to find a better alternative or to suggest better alternatives. I think that's taking a lot of the decision-making authority away.

The Pembina Institute recently issued a report that stated, “Provisions of Bill 51, the Planning and Conservation Land Statute Law Amendment Act, that would permit exemptions of energy-related infrastructure from the approval requirements of the Planning Act seem likely to further reduce the integration of large infrastructure projects with overall regional planning.” Again, the important part is the community not being able to decide an infrastructure entity, such as generation—not being part of the overall planning for any community.

Even the Canadian Wind Energy Association said in their presentation to committee—I'm sure, Mr. Speaker, you will remember that that organization is fairly supportive of the exemption for the generation capacity. Yet I have a quote here. The Canadian Wind Energy Association said, “But in areas that are not covered under the environmental assessment process, it's very clear to us that municipalities must continue to have a role.” That's the important part, that they must continue to have a role, because it's part of planning the community. If we're going to go back to what the minister suggested, that this is about local communities being in control of how their community develops, it's hard to say that things such as electrical generating capacity should not be part of the community planning process.

I know there was a lot of concern expressed that we want to speed up or make sure we get an effective and efficient system in place that would allow the approval of generating capacity. I would totally agree with that. But if we look at the process, if there are problems and hearings are required, there's absolutely no reason—and in fact it's done in a lot of other areas. With the Environmental Assessment Review Board and planning and the OMB, they hold joint meetings. It does not take extra time to make sure that municipalities and the local community can help plan for their local infrastructure. So I think to use the argument that we're trying to streamline the system and make it work more effectively and efficiently is not true, save and except that maybe one of the reasons that that was added in the bill after second reading was because in the original bill it had it for all of Ontario, save and except the city of Toronto. During the committee hearings and the amendments to the act, it was added that Toronto would also be covered.

Mr. Speaker, you would be aware that there was a project in Toronto where there was some question about the proper zoning or the improper zoning for the project that was being planned. That could have taken some time to settle. The province did, in their infinite wisdom, decide to settle it rather quickly and say, “Retroactively, this will now also cover the city of Toronto so that the port lands project does not require planning approval either.” Of course, that was done without consultation with anyone.

I remember discussing that in committee, and it was suggested that the mayor of Toronto agreed with that amendment, but upon later investigation I found that that amendment was not put to the mayor. The mayor in Toronto did agree with the City of Toronto Act and still does. The change doesn't say that he disagrees with the City of Toronto Act, but no one would argue the fact that this amendment does take away some of the authority that was granted to the city of Toronto in the City of Toronto Act, even before the City of Toronto Act actually takes effect. I think it's very important not only to the port lands application, but I think what's very important is that it's an example of Queen's Park still holding the heavy hammer over the planning process. If they believe that it's in the government's best interests and if the municipalities are not doing it the way—they will just step in and change that.

These are some other comments I have here regarding the exemption of energy undertakings from the Planning Act: “[T]he city has concerns with the provisions of Bill 51 that allow for certain energy projects to be exempt from the Planning Act. OPG and Hydro One are already exempt under the current Planning Act, and Bill 51 will allow new public and private sector energy projects or undertakings to be exempted by way of regulation.” This is a presenter from the city of Toronto.

“The evaluation of energy projects solely through the EA process places the focus only on identifying environmental impacts and potential mitigation measures. Land use, site plan and other planning issues are not evaluated and, as such, an EA process is not an appro-



priate vehicle for the identification of planning-related issues. The city's view is that no additional energy undertakings should be exempted from the land use planning process, even if they have been through an EA. Rather, energy undertakings should be subject to an evaluation under the municipality's site plan control and zoning processes, done in tandem with the environmental assessment."

This was rather a long quote, but I think it's important because, at the time, energy projects hadn't been exempted from those sections of the City of Toronto Act, and this was the spokesperson for the city of Toronto who spoke at the committee. He made that statement, and at that time it did not apply to the city of Toronto. So we can be sure—at least, I can be sure—that his comments would be true in spades now, when it actually does apply to the city. When it didn't before, he still felt it was an inappropriate way to deal with energy projects.

From his comments, it certainly doesn't sound like he was requesting that the government provide more exemptions to electricity-generating projects in Toronto. It's clear in Toronto that there are two different visions about what power generation should take place in the port lands, and of course, Mr. Speaker, you would be more aware of that than most. There are two different visions, and I think it's very important that it's clear as to who gets to make the decisions. One minute the city of Toronto gets the ability to do that through the City of Toronto Act, and before the act is even implemented, they have taken that authority away.

Of course, this section 23 also, as I said, applies all around the province, outside the city of Toronto. The concern with this section of the bill is not just for Toronto. While we were at committee, we heard from many people who had concerns with that section. David and Audrey Walsh of Port Elgin wrote in a letter to the committee:

"I would like to state my opposition to section 23 of Bill 51, which is designed to allow quick passage of electricity-generating projects. This section flies in the face of openness and public consultation, giving proponents even more of an upper hand in forcing their projects onto an uninformed public."

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Kathy McCarrel of the Windfarm Action Group in Port Elgin said in her letter to the committee:

"Section 23 of Bill 51 will effectively further negate the efforts of local citizens and municipalities to be responsible for land use decisions which will impact their region.

"The fact that this section will allocate power to the provincial cabinet to exempt private energy projects from the Planning Act approval process is totally irresponsible and undemocratic."

Ms. McCarrel went on to say, "Section 23 of Bill 51 constitutes a breach of local democracy and public consultation."

Those are fairly strong words from someone about one little section, which is an exemption, rather than making everyone go through the same planning process.

Allan Lewis from Singhampton wrote in an August 27 letter to the committee:

"When I learned of section 23 of Bill 51 my heart sank. I fear that all of my own hard work and that of my municipality will be tossed aside in favour of the expedient erection of these installations with no regard to the concerns and issues of the people and areas they will have the biggest impact on."

Of course, he's speaking to the wind generation, which we're seeing a lot of in this province. Again, I think we all support the renewable energy that can be provided by these windmills, but there doesn't seem to be clear evidence that they should be exempt from the planning process so that communities can have a hand in the process. He went on to say, "There is a broad-based opposition to the inclusion of this section from both municipalities and local residents groups."

Regarding the exemption of the wind farms from the planning process, Andrew Bruce, a retired architect from Oakville, wrote:

"However, some concerns are to do with the impact of wind turbines on the visual appearance of the landscape.

"This is a legitimate concern and it can be addressed by each municipality."

Again, this was an individual who was fairly supportive of the changes in Bill 51, but not section 23.

Mayor MacIsaac from Burlington, during his presentation to the committee on August 3, said: "I would expect that, notwithstanding the fact that that provision is in there, it would be foolhardy for a provincial government to come in without having some municipal involvement in the process."

He made the assumption that no one would be foolish enough to put that in there and expect or even suggest that the municipalities should not be involved in the process. We know that, according to the law, there is no need for the municipality to be involved, because they are exempt from the planning process.

In fact, it seems that the only people who liked section 23 were the Liberals on the committee and, I can presume, the other Liberals on the government side. They seem to be the only ones who think that it's a necessary process. Of course, in justifying it, they said that the municipalities will still be involved, because no one would make decisions in their absence. They would, of course, bring them into the process—"We just don't want it to be under the Planning Act." But I'm sure that everybody would automatically inquire as to how the municipality feels about the planning and the zoning. That we don't need to have it in there that they are covered might be true if it wasn't for the fact that they are being intentionally separated.

We saw how well the provincial government takes local impacts into account when they approved a huge expansion at the Green Lane landfill site. Even though the member from London West and the member from Elgin-Middlesex-London were at the cabinet table, the concerns and issues of the people of Elgin-Middlesex-London and London weren't taken into account, or they



were not consulted with. They were not asked, "Do you agree or disagree?" They were just told at the end of a gun.

Not one of those Liberal members stood up and asked why the expansion was so large if it was just to deal with local garbage. Not one of those members stood up and said they shouldn't approve this until we have a real consultation with local residents. Not one of those members stood up for their riding and their area when it counted. Why would people believe that if this government takes the approval of energy projects out of the hands of municipalities, they would take the interest of the local people into consideration? Again, if this exemption stays in, I just don't believe that the province would do the consultation required so the local people would have a say in what was happening.

I'll leave section 23 and go on to some other parts of the bill that have the same problem. There is a section in the bill about portable classrooms at local schools. The school board association was in and made a presentation. They had real concerns about the section of the bill that allowed municipalities to suggest what the architectural design, colour and material of buildings should be. They came in and said that it's a real problem for the site plan and for their classrooms, that if they say, "The classrooms must be of this design and this colour and this type material," the standard classrooms would no longer fit the criteria, and they couldn't place all these portable classrooms that they presently move from site to site.

To answer that, they said, "Well, why don't we just exclude you from having to be governed by site plan control?" The original act, after second reading, said that the municipalities would not only have site plan control over these units; they would also have control over the architectural design, the colours, the total design of them. Now, to solve the problem, they have just taken them right out of the site plan control process. So school boards can, regardless of how large the site is, put them all in. If they wanted to save the back of a large development for a playground, they could put them right up in front there where it was not in the character of the community, and the municipality would no longer have any say in their doing that. Presently they do; they're all covered under site plan control. Again, this is not giving the community involvement in the planning of their local community. So I think it's unreasonable to assume that that's taking this act in the direction in which the minister said he was going, which was to get local autonomy for local planning.

Another area where we had a lot of concern expressed was the employment lands. I think everyone who made presentations, and I think municipalities in general—I know most, if not all, members of the committee—were supportive of making sure that the employment lands, as the development came forward, would not be put into years of litigation and OMB hearings, preventing the development from happening and providing employment. But the definition is so narrow that in fact there are going to be a lot of areas where we have mixed-use desig-

nations in the official plan, and they will now all be covered under employment lands, so anything that happens in that mixed-use designation will not be appealable to the Ontario Municipal Board.

Again, I think that is taking away the public's right to be involved in the planning process. There would be a lot of things in that area designated for mixed use that would, if it wasn't for it being partly employment land, be appealable, and this will take that away. Again, a number of people asked to have that changed so that employment land, and the appealability of it, would only apply to that part of the mixed use that was actually designated employment land. Of course, of all the amendments we saw the government put forward, that wasn't one of them, and that's the way it has stayed.

On that issue, the Greater Toronto Home Builders' Association's presentation to the committee said, "As currently written, 'mixed use' is included in the definition of employment lands. To avoid being open to municipal abuse, policies concerning areas of municipal employment must be consistent across all provincial planning documents.

"Mixed-use applications, which can include a residential component, will severely affect, if not paralyze, attempts at increased intensification.

"Once again, this is an example of a policy that needs to be re-examined since it is clearly counterproductive to provincial policies."

Again, one would think that on hearing that from a reputable association in the city, the province would have made some attempt to change that definition of employment lands to exclude the other developments within the policy.

#### 2010

The Ontario Professional Planners Institute wrote, in their submission to the committee:

"The definition of 'area of employment' is imprecise. The lack of clarity will lead to debates between an applicant and a municipality as to whether or not a site is an area of employment."

During the Association of Municipalities of Ontario presentation to the committee, Roger Anderson asked the government for clarification. He raised several examples where the definition wasn't clear, such as whether big-box retail stores were allowed in employment lands, whether the definition would include infrastructure such as energy from waste and composting facilities.

He also raised concerns about the definition being applied to rural and northern communities where, he said, "Many employment centres are resorts, recreational and associated uses." He said, "The definition of employment lands should reflect this diversity across this province."

Did the government listen and make a change? No; no change at all.

The next item is the second unit exemption. Bill 51 gives municipalities the right to remit a second unit in residential homes and removes the rights of citizens to appeal that. I suppose if we're looking for intensification in our society, in our communities, to prevent urban



sprawl, second units seem to make sense. If we have the structure already there and it lends itself to having more than one residential unit in it, that makes a lot of sense.

A number of years ago, before my time in this place, the government of the day decided that they would make second units in residential areas a right of all citizens so that you would not require a rezoning for an establishment, for a house, if you were to build a second unit in it. There was so much objection, primarily from the municipalities, but I think from people in general, that that didn't happen. This bill does the same thing, only it makes that ability to make that decision a municipal ability, but change nonetheless, that people who live in single-family residential communities can now have the municipality say, "Oh, you no longer live in single-family residential units. We are going to allow duplexing and allow second units in the homes that are there."

Again, I don't think that that got public consultation. I don't think the average citizen who lives in a single-family residential area in this province really knows that this is going to happen. I'm also very concerned, since they have the ability to do this, that municipalities could make that decision without great input from the public again, and these people would not be able to appeal that decision to the Ontario Municipal Board. If they didn't have their opportunity to speak to council in the making of the decision, then they would not be able to do anything about it, so that's what they would have.

The other thing that I just wanted to touch on is the ability—and I've mentioned it somewhat in my remarks—for people to appeal. It seems to be restricted. As we look at how applications can be appealed to the Ontario Municipal Board, it seems to treat different people in different groups differently. Maybe that's the way it's supposed to be, but it doesn't seem to provide equality. Now, we know that the minister can appeal almost anything that the municipality does, based on the fact that if the minister believes there's a provincial interest in an application, he can appeal it to the Ontario Municipal Board. But when we look at the people who can appeal—and again, I don't want to suggest that changes in the process and in the Ontario Municipal Board are not required—we want to make sure that what we're putting in place is, in fact, streamlining the process and making it work better, not just restricting some people's ability to appeal.

First, under this bill, the only people who can appeal a decision of the Ontario Municipal Board are—and I think this is very important—a person or a public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to council. Again, as I said earlier, if they haven't made an application or haven't been to the meeting to say that they objected or that they made a presentation for or against, they cannot make a submission.

Second is the minister. The minister can appeal any decision council makes. Incidentally, he lodges that appeal with the Ontario Municipal Board, which is appointed by the province.

The appropriate approval authority—so with any application, the appropriate approval authority could in fact further the application by appealing it to the Ontario Municipal Board.

In the case of a request to amend the plan, the person or public body that made the request: If you are the Minister of Municipal Affairs, you can appeal a decision of the Ontario Municipal Board whenever you want, but if you are a member of the public, you'd better be at the council meeting or have a written letter. Otherwise, you can't appeal. It's not enough to simply attend the meeting; you must speak or write a letter, even if your opinion is already expressed by someone else. If you're at a large meeting and everyone is opposed to the application and everyone has come up with a reason they don't think it's a good idea, you must still get up and repeat that, because if you're not on record as having made a presentation, you are not eligible to appeal it.

Roger Anderson from AMO, when speaking to the committee, raised the concern that municipalities don't want to "be forced into stenographed minutes at the statutory public meeting." That would be the other option: that someone would actually record everyone who was there, what they had said, and have the minutes of that meeting be public record so the Ontario Municipal Board would know they had made a presentation. That would be the only other way other than having a written submission.

The other problem that comes with that is if a councillor goes in and speaks on my behalf—I decide there is an application I have some concerns with, but I'm not a person who likes to speak in public, so I ask my local councillor to speak on my behalf—not representing me, but putting my position forward so I know, as council deliberates the application, they've heard the view that closely reflects what I think. He is unsuccessful in convincing the rest of council to agree with him. I can't appeal; I didn't speak to the application.

Even the people of the minister's riding question this change. This quote is from the letter to the editor that appeared in the Kingston Whig-Standard:

"In fact, this oversight on the part of lawmakers may either exclude or severely limit public participation, thereby calling into question the very openness that Mr. Gerretsen states Bill 51 is supposed to promote.

"Taken one step further, this lack of equity seriously undermines the democratic process not only in OMB appeals, but in other arenas as well."

Let's be honest: A lot of people don't find out the details of proposed development until it goes to council and the decision is made. Mr. Speaker, you spent a lot of years on local council, and you would know that the general public usually gets involved after the decisions rather than before the decisions, because it takes that long to find out about it.

The minister made a comment in his comments about how they've added a part in the bill through the amendments where they must notify all the people of how you appeal a decision. That information will be distributed by



municipalities at the public meeting. So no one who isn't there will know how you even go about appealing a decision. Even if they did, if they weren't at the meeting, they will be told, "This is how you do it, but you're too late; you can't do it anyway." That's taking away the rights of citizens.

The director of the Carleton Landowners Association wrote, in a letter to the committee:

"Why would any democratic government give more rights or means of appeal to one group or individual than to others?

"The proposed changes do just that and further allow municipal government to replace the Ontario Municipal Board with a tribunal of the city's selection to hear appeals lodged against the very body who selects the tribunal. This is clearly not in the best interest of justice, democracy nor the taxpayer." In that paragraph, they're not speaking about the Ontario Municipal Board.

2020

That takes us to the next section, which I just wanted to touch on: the municipality's ability to appoint an appeals body. Decisions of land division and minor variances would no longer be appealable to the Ontario Municipal Board; they would be appealable only to the local appeals body. That's a way to try to streamline the OMB process so we will have fewer applications going to the Ontario Municipal Board. Of course, though, if the local council that makes the decision also gets to appoint the appeals body, and their sheer existence and retaining of that position depends on the good graces or the good wishes of council, I think the chances of that looking like an impartial hearing—and I'm not saying they wouldn't be an impartial third party—to the public would be lost. I think that's really what the association was saying: that we're really not providing the same appeals process to everyone.

More than that, there were a lot of presentations to the committee about how the cost of doing that would be beyond the means of a lot of smaller municipalities. What's interesting is that if you live in those municipalities and they don't appoint their own appeals body, then all those decisions become eligible to be appealed to the Ontario Municipal Board. So all of a sudden, in my small municipality, I have further rights of appeal than a municipality where they appoint their own appeals body. I'm not sure that's what you'd call fair and equal treatment of all people in the province.

The Ombudsman spoke to that in terms of Bill 130. He had some comments about local appeals bodies, and where they're not appointed, then they go to the Ombudsman, and he said that wasn't the way to go. This is the same type of situation that is created in Bill 130 where councils can appoint investigators and ombudsmen who are supposed to be able to investigate the municipality and the council—again, this is in Bill 130—as to whether councils are living up to the commitments or the letter of the law in Bill 130. But the ombudsman is dependent on the council for his appointment.

In that case, the provincial Ombudsman said: "It is a piece of legislation that exploits the goodwill associated with the term Ombudsman, yet doesn't deliver on any of the basic tenets. They are making it appear as a very credible, substantial step forward when it borders on fraud."

The only reason he said that is because he believes that the appointed ombudsmen are not in a position to make a fair and honest judgment based on the interests of the complainant as opposed to the interests of the body that appoints them. Bill 51 uses exactly the same system with these local appeals bodies, so I can assume that the Ombudsman would say the same about that as to whether people's concerns will be properly heard through the board that the council appointed. I think it's important not only to have fairness but to have the appearance of fairness.

The other thing, on the appointment of the boards—I think we had quite a discussion about that—was an amendment that was added during the clause-by-clause. It says that no municipalities can have joint boards. So you can have an appeals body, but you can't share an appeals body with a neighbouring municipality. Or in the province, where we have two-tiered government, if you want to share the responsibility and the cost of running an appeals body with both levels of government—the county or the region and the local municipality—there's now a section in the act that says you can't do that. In Oxford county, it creates a very interesting and, in my opinion, troublesome situation. In the planning process in Oxford county, the official plan is the responsibility and the jurisdiction of the upper tier. There are no local official plans, so the zoning in local municipalities is all based on the county official plan, but the jurisdiction of the zoning is done by the local municipality. All land division decisions are made by the county; all minor variances in the municipalities are done by the local municipality.

We have eight local municipalities and one county. You could have an appeals body for land division decisions and minor variances. So if Oxford county and the local municipalities decided they wanted to have a local appeals body, they would have to appoint nine of them because they cannot share the appeals body with either the upper tier or any of their neighbouring municipalities. So for around a 100,000 population, we would have to have nine appeals bodies to make this work. I think it's reasonable to assume that the Ontario Municipal Board would likely hear most of the appeals to minor variances and land divisions in Oxford county because of the fact that—who would appoint nine different committees?

When we asked the government in committee why they would have that amendment, that we couldn't have one appeals body, they said that it was very important that the local appeals body was reflective of the community on whose behalf the decision was made: "We want to make it very impartial and stand-alone, yet we want to make sure that the body that makes the decision



that's being appealed is the same body that appoints the committee to hear the appeal." To my way of thinking, it would be totally the other way around. I think we should have it that in every two-tier system there is only one appeals body allowed so there would not be a direct connection between the appointing body and the decision-making body on the planning application. But again, that amendment was put in there to make sure that can't happen.

In fact, during the committee hearings, the member for Glengarry–Prescott–Russell pointed out that in his community it would be the same problem, that if we can't have a joint appeals body for the upper and lower tiers, it would likely become very cost-prohibitive to have an appeals body for any of them and it would likely all stay with the Ontario Municipal Board.

The Association of Municipal Managers, Clerks and Treasurers of Ontario raised a concern about the cost of the local appeals bodies. The president of the association said, "One solution would be a joint appeal body. This approach is relevant in my county, where, if everyone proceeded to separately establish local boards, there would be nine, drawing on the resources of 50,000 people." That's exactly the same as Oxford, only we have twice as many people to help pay the bill; in this case, 50,000 people are going to be expected to pay for nine appeals bodies, which doesn't make a lot of sense. "AMCTO recommends that Bill 51 be amended to authorize the establishment of local appeal bodies on an inter-municipal basis." That was suggested to the committee but the government members decided in the clause-by-clause not to include it. In fact, in the original bill it was somewhat ambiguous whether you could or couldn't, so they put in an amendment to clear up that ambiguity and said, "No, you can't do it," which doesn't make sense.

We've had a lot of discussion in the past about the ongoing cost to municipalities as government brings in new legislation and expects more and more from our municipal partners. A lot of these things incur costs. We heard this afternoon, as the debate was going on about the Clean Water Act, that there's going to be a massive cost to municipalities with that. There's also going to be a considerable cost as we implement the requirements of this bill. This is true with a lot of the legislation. The minister, in his presentation on this act, listed quite a number of issues he has introduced and passed on behalf of municipalities. Each and every one of them contains a certain amount of cost to municipalities that they are expected to raise from their local taxpayers.

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Now, the Ontario Professional Planners Institute, in their submission to the committee, wrote, "This legislation increases the obligation of municipalities to keep planning documents current." The bill says they must have an updated official plan every five years. "Resources are required to conduct reviews, and OPPI members recognize that in addition to regulation, there must be an acknowledgement by government that more funding

needs to be made available to allow for plan reviews and updates." If you're going to make it mandatory that these reviews must take place, someone has to pay for them, and the association felt it to be very important that the government, along with mandating that that must be done, come up with the funding to do that.

The Association of Municipal Managers, Clerks and Treasurers of Ontario, during their presentation to committee, said, "These ambitious time frames will have significant impacts in terms of council time, staff resources and consultant fees." They also pointed out that to have a complete review of the official plan every five years was very impractical, if not impossible, to achieve on an ongoing basis.

Our leader, John Tory, said, "The McGuinty Liberals see no problem in dictating new regulations to municipalities without consultation, only to then disappear from the picture when the time comes to pay the bill." That's really true of all of these. In the water act, we've heard that they've set up a fund, but the amount of money put in will likely cover the cost of administering the fund but will not help many people deal with the Clean Water Act.

It has been almost 10 years since the last provincial-municipal review was completed on the division of costs between municipalities, the realignment of municipal services and costs. Since that time, the circumstances have changed and costs have increased. I was just at the county and regions conference in Haliburton yesterday and this morning, and the number one item on their agenda was the provincial-municipal division of costs and their responsibilities. In fact, the presenters this morning were on social housing and that the cost has gone up tremendously on that and they need some assistance to make that happen.

To make ends meet, municipalities have been forced to delay maintenance on infrastructure, reduce services or raise property taxes. They can't afford to wait 18 months for a review so the Liberals can get through the next election without dealing with this issue. I think we had considerable discussion about that last Thursday. Last week, despite Liberal opposition, this House passed a resolution calling on the government to complete this review much more expeditiously. That passed last Thursday morning here in this Legislature on a recorded vote. I'll be up front about it. The Liberals did vote against completing the review expeditiously, so I guess they're admitting that they are dragging it out for political reasons. The resolution didn't say, "You have to do it in three months," or "You have to do it in six months," or "You have to do it in 10 months." It said, "You should do it expeditiously." They said, "Oh, no, no, no, we don't want to do it expeditiously. We want to take a long time. In fact, we don't want it finished till at least 18 months from now." I just don't think that's good enough.

The members who spoke to the resolution said that the government has already been doing a lot of the changes that need to be made in that fiscal relationship with municipalities over the last number of years. One of the



items mentioned was the change in funding for ambulance service. I would just point out here for all in the Legislature and the people at home in the municipalities who are watching that if we've already figured out what needs doing, I don't know why we would need another 18 months to study what needs to be done. I think this is the time to sit down and in very short order put down on paper what they are going to do and then start the funding so the municipalities don't have to wait another 18 months before they're even told what the problem is. I think most municipalities already know.

Many of my constituents said they're tired of the pointing of fingers and blaming others. The government has been in power for three years and they have to take responsibility for the state of the province. Life goes on. When the Liberals went to the polls, they said, "This is what we'll do. This is what the government is doing wrong, and we will fix it." Here we are going into the election for next term and they're going to say, "We're going to start looking at what needs to be fixed after the next election." I don't think that's good enough.

Bill 51 is a very large and very complex piece of legislation. I understand that it's difficult for government, even with all of their staff and their lawyers, to make sure they've read everything carefully. Sometimes details get passed over, and I think we would all agree with that. Perfection in anyone is hard to find. In fact, we have an example of this in Bill 130 with the duties of the mayor. I found it interesting. We were having a discussion with the staff; the bill was being explained to me in a briefing from the ministry. It has to do with the duties of the mayor. There's a list in Bill 130 about the duties of the mayor, but it doesn't say the mayor "may" do these things; it says the mayor "shall" do these things. I have to assume that if you were elected mayor and four years later you were running for re-election and were asked if you had performed adequately the duties of the mayor, you would have to have accomplished everything in the list of the mayor's duties. The last item on the list is that they "shall ... promote the municipality ... internationally." I guess that means that if you're going to be a good mayor, you'd better hire a travel agent and start travelling the world, upon election, to promote your municipality internationally. I can understand that the local government, for economic development purposes and so forth, would want to promote the municipality far and wide. I even think a lot of municipalities would be promoting their municipality internationally. But to say that every mayor in Ontario has a responsibility to do that is going well beyond what we would generally think the mayors of some of our municipalities would expect to do or what we would expect them to do.

Another thing: There was a debate in the committee on Bill 51 about public meetings and how long they could last, because it says in the bill that every member at the public meeting must be given an opportunity to speak. If you had 500 people at the meeting, they must all be allowed to speak. In a two-hour meeting, that's not going to happen.

**The Acting Speaker (Mrs. Linda Jeffrey):** Your time has expired.

Questions or comments?

**Mr. Bisson:** Thank you very much, Madam Speaker, and my congratulations on your promotion. I hope they are going to do something to recognize this extra work you're doing today.

I enjoyed the comments made by the member from Oxford. He has actually gone through the bill fairly well and understands from his municipal days what this is all about and how it works. I think he has demonstrated a fairly good knowledge on these particular issues.

I can agree with him on a couple of things. One of them is this whole notion that if more than a number of people show up to give comment on an issue and they're only given two hours in total, it seems kind of counter to what this place is all about.

When it comes to amending an official plan or the whole issue of development, those are pretty controversial issues in communities. Where you are going to build a particular development at times can be quite controversial. I know we've come across that in all of our communities. The issue in my mind is that you have to figure out some way of balancing the needs of the citizens with the ability to develop. That's really where the nub is, and that's a difficult one. When I look at this bill and the provisions in it, I come to the same conclusion as my colleague the member for Beaches-East York, the New Democratic critic for municipal affairs, and also the Conservative Party member for Oxford: This bill doesn't get us there. It really, really doesn't.

If you look at the details of the bill, there are some steps in the right direction. I'm not going to say it is totally a bad thing, but they're some pretty small steps in dealing with what is a fairly complex issue. It's another example of where we didn't allow the committee to do the work it had to do in order to look at this in some detail and come back with some meaningful amendments to the bill to give it what it needs to make it work. This is a demonstration that it falls short of that.

2040

**Mr. Dave Levac (Brant):** I appreciate the opportunity to speak to the member from Oxford's leadoff of 60 minutes. Within his preambles to getting to the points that he wanted to measure inside of the bill, I do take on faith that his dissection of the bill was with the intent of what he said he would like to do: to bring constructive criticism to the bill. I heard him clearly talk about two or three of the issues where he does bring some salient points to the table to ensure that we're trying to get the best for our municipalities. That, indeed, is a good point.

The member from Timmins-James Bay has indicated, as he has in the past, good steps towards the right direction. Hopefully, we're making life a little easier for us as municipalities and the people we represent, except he's taking his tablet out quicker than I thought he was doing.

Anyway, I want to come back to the member from Oxford. The one thing that he has captured is what the



opposition is going to continually do: "Don't talk about the past"—because we've been here for three years. "Don't tell us that we downloaded, as the previous government"—all the problems we're now trying to correct. "Don't talk about that. You're not allowed to do that, but then we can criticize you to blazes and not point out anything that's good about the bill."

That's a good strategy, because what you've done is said that when you were here, you could do whatever you wanted to the municipalities, and then when you're over there, you can't take responsibility for it, and then you're going to blame us for whatever it is that we're not doing. That's a pretty good way to get out of talking about the real issues, which I want to get to right now.

The minister talked to us clearly about what's going to happen with one of the issues that I know all of us are concerned about, and that's brownfields. The most important aspect of one of these bills and the several others that have preceded it is a recognition, once and for all, that we have a problem and that we've finally acknowledged it and we're working towards the solution. This is going to put us forward, and I know that the minister is going to be making some great announcements about brownfields in the future. I look forward to it, and he knows I've been an advocate of correcting it.

**Mr. Gerry Martiniuk (Cambridge):** I was most pleased to hear the comments of my good friend and colleague from the county of Oxford in regard to Bill 51. I'd just like to deal with one particular matter that he raised, and I think it is an important part of that bill.

The new bill would restrict appeals to the Ontario Municipal Board in regard to the evidence that had been adduced before the municipality in the case of either ratepayers or developers. A municipality could present new planning evidence to the Ontario Municipal Board, but ratepayers and developers are restricted.

With developers, as they have a profit motive and usually have money if they're in the development investment game, they have no difficulty in adducing the necessary planning information and evidence at the time they make their application. That is a common thing to do. Ratepayers, on the other hand, are entirely different, because these are individuals. They're not there for a profit motive; they're there to determine that their properties and their homes, in many cases, are not harmed by any development.

In the first instance, in going to a municipality, they usually don't think of planning evidence and things of that kind, nor do they have the money to do it at that stage. It simply means that, because they don't present it before the municipality, if there is an appeal to the Ontario Municipal Board, they will never have the opportunity to present planning evidence, and that would be a shame.

**Mr. Michael Prue (Beaches–East York):** I had the opportunity to hear all but a couple of minutes of the member for Oxford's speech. One of the things that you will find from sitting in the chair is you look, you very carefully have to listen to every word, just in case some-

thing is said that is untoward. I have to say that I listened to him. He gave a very thorough canvass of this bill and, contrary to some of the comments that have been made, I think that he was quite balanced and fair. He said—and I'm trying to paraphrase what he said—that there were parts and aspects of the bill that he could commend. I think that his job—and he said it correctly—as a member of Her Majesty's loyal opposition is to point out those parts of the bill that fail or that, in his opinion, do not further the stated goals of the government.

He was present throughout the entire process in committee. I was there too to watch him dutifully and carefully. It was a frustrating experience, I have to tell you, for a member of the opposition; particularly, I would think, for a member of the official opposition to watch that, of the 103 amendments that were put forward, some 40 by the members of the opposition combined, none of those passed. None of those got anything other than perfunctory debate. The 65 amendments, which was a major restructure of the bill, took place with unanimity of the government caucus.

I believe it is the role of the opposition to point these kinds of things out and to show where a government bill was so seriously flawed at its outset that 65 amendments were felt necessary by the government. But, in the face of considered opposition from the parties and from the people themselves, not one amendment was made in that stead.

#### **The Acting Speaker: Response?**

**Mr. Hardeman:** I just want to thank all the members who made such kind comments to my presentation. The member for Brant said—and I guess that's the one that I just want to speak to for a moment—he was concerned that I was focusing not on what happened before, more than three years ago, that I was too focused on what was happening in this bill, and I really thought that was the purpose for our having this debate this evening.

I was kind of hoping that I would hear, from the government side, some explanations of some of the questions that we put in our presentation, because obviously, this is what this debate is about. As I said, some of the things I agreed with and some of the things I disagreed with. Maybe I disagreed with them because I didn't understand them, and I would have hoped that in the responses from government, we would have got some of the answers. But obviously, in the big picture, the government is not really interested in hearing from the opposition, or they're not really interested in hearing from the general public.

If we look at the main direction of this bill, it does not increase public participation. It may or may not help municipalities, but it definitely does not help the average citizen in Ontario to be involved in the process and have their say as to what happens in their community. I think that's really the point I was trying to make: that the consultation that this government has done on this bill has been done only with the stakeholders and not with the people who are directly involved with it. I think that will come back to haunt them as we try to implement this



bill and try to make people of the province of Ontario understand why it is they will not be heard when they want to make an appeal of a decision that is going to negatively impact their lives and their community.

**The Acting Speaker:** Further debate? The member from Beaches–East York.

**Mr. Prue:** Thank you very much, Madam Speaker. I would like to preface my remarks on this bill, if you would be so kind, with the statement that I thank you very much for agreeing to sit in the chair tonight. It is very difficult oftentimes as one of the assistant Deputy Speakers to be sitting there when you also have a role as a critic and you also must, of course, make the leadoff speech on behalf of your respective party. I want to thank you for taking it upon yourself to do the onerous and difficult task, often, of sitting in that chair and trying to keep order in this often unruly place. I hope the experience is a good one, and I thank you for taking it on.

Having said that, it is my duty as the critic for the New Democratic Party in municipal affairs to critique this bill. I'm going to start out with the premise as well that there are parts of this bill that are worthy of support; there is no doubt. One cannot put together a bill with hundreds of sections in it, with all of the words, with all of the pages, without getting some of the things right. There is, in fact, a whole body here that is going to help some municipalities, particularly the larger ones, structure themselves in such a way that will allow appeals to be heard in a much more forthright, honest and upfront way, right close to the general public, without having to involve the Ontario Municipal Board and a non-elected body which, for many of them, is many miles away and very difficult to attend and very difficult, in fact, to comprehend.

I want to spend the time I have tonight, because this is, of course, another one of my bifurcated speeches—I don't believe I've ever started off a one-hour speech and had an opportunity to actually make it. So tonight will be about a 39-minute speech, and I suppose the other 20 minutes will occur on another occasion.

2050

Using my time wisely, I want to talk first about the major impact that this bill will have upon the city of Toronto and particularly upon my riding of Beaches–East York and the adjacent riding of Toronto–Danforth, because it is one of the amendments of this bill that took place in committee that will do, in my view, and I think in the view of the residents of my riding, irreparable harm to the people who call the Beach home and irreparable harm to the people of Riverdale and Leslieville and all of those who live in close proximity to Lake Ontario, and that was the amendment which was a government motion on page 94, so I think it's government motion 94.

What it did was, it struck out section 62.0.1 of the Planning Act as set out in section 23 of the bill and substituted another section. What this substitution did is, it took away all of the rights that the city of Toronto had accrued under the City of Toronto Act, passed in this very Legislature in June. It took away the rights of the city of Toronto, the council, the mayor, the citizens, to

have a say in whether or not energy projects were located within the confines and the four walls of the city of Toronto. It took away those rights which had been recently granted and, in fact, following the City of Toronto Act passage, was the first committee which actually looked in any way at the City of Toronto Act, and immediately took away those powers which had been granted and which were deemed necessary only two months before.

I must digress a little bit in order to go back to the passage of that bill and what it was supposed to do, in order to then talk about what this bill does in this offending motion number 94, which has found its way into the body of Bill 51.

Back last June, there was a great debate in this House. There was a vote. I remember quite clearly how that vote went. Every single member of the government office voted in favour of the City of Toronto Act, Bill 130, because, as the Premier stated, as the Minister of Municipal Affairs and Housing stated, this was a bill that was going to set free the city of Toronto. It was going to determine, once and for all, that the city of Toronto was a mature government, that it had the powers and should have the powers to look after its own destiny, that it was capable of looking after that destiny and acting in the best interests of the people they served.

I remember those debates. I remember all of the words that were said and the terrific little debate that we had in our own caucus about whether or not to support this bill, warts and all, or whether to say no, there were some things wrong with it, and oppose it. We made the decision as a caucus, and I stood in this House, along with the government members, in support of Bill 130. It was a difficult decision, because there were some things in the bill that we did not believe were correct, mostly around funding for the city of Toronto and the responsibility they had for a new tax regime which they didn't necessarily want. But we thought, on balance, it was a bill that helped the people of the city of Toronto.

I stood up in my place right here and voted for it, and I voted with the government. I did so in the full expectation that it would be honoured, that the provisions that were there, whether I agreed with all of them or not, would be honoured. You have to know how difficult and how sad it was for me, on that day in August, August 29 to be precise, when the government put in its 65 recommendations of changes to the act, that one of those changes was to take away the very powers that I believe the city of Toronto needs to have, and that power was to have a say over the siting of energy projects within the municipality.

Now, I ought not to have been surprised. I knew about section 23 some months before, how it was going to affect all of the other municipalities and how all of them were going to lose the rights that had accrued to them over the more than 100 years since Confederation and which they had exercised literally without hindrance or without difficulty in all that time.

Whether it be a small, little municipality in western Ontario, eastern Ontario or the far north, or whether it be



a large municipality, a big city like Toronto or Ottawa, they had always had authority under the Planning Act to look at the siting of energy projects, save and except those involving Ontario Hydro. Hydro has been exempt for many years. I heard what the minister had to say here today when I was sitting in that chair. I listened intently. Yes, that is true: Hydro has been exempt for many years. But what is being exempted here is not Ontario Hydro. It is not a continuation of the past. Quite literally any private sector company that wants to set up an energy regime in the province of Ontario is now exempt from site plan controls and from local planning bodies, municipal councillors, mayors and everyone else.

For example, if a person wants to set up windmills anywhere, they can do it. Now, to some people, that's a good thing. To some, it's not. I want to tell the member from Huron-Bruce, who's clapping, that in certain parts of her own riding there are people who do not appreciate them. I don't necessarily share their opinion, but they live there and I don't. To some of them, they find this to be quite a blight on their environment and the enjoyment of their property. I believe that people ought to be heard, and I believe that the siting of windmills is something that local politicians should discuss. They should determine the most appropriate site. They should determine whether it's going to impact on any of the natural or historical features, whether it's going to impact on any schools, whether it's in too close proximity to homes or where people live. All of those things need to be looked at. They're no longer going to be looked at.

I gave the worst-case scenario. What if, not necessarily this government but, say, a government two or three governments from now, with all of the elections that take place in the topsy-turvy world of politics in Ontario, is elected that wants to go totally nuclear? Oh, the member from Huron-Bruce is cheering that one too. I'm not sure that we should be in the same room maybe on this, but we are. They want to go totally nuclear, and they determine that they're going to locate it in a metropolitan area. What if they want to put it right close into a town or a city? What if they want to put it in Ottawa or Hamilton or Toronto; they want to put it right downtown? The law allows them. Can the municipal council, can the mayor, can anyone say anything? No, because the legislation is here. The legislation forbids that. So any company that wants to, in the future, site a nuclear facility—not Ontario Hydro but any company—can do so.

What about energy from waste? That produces energy. If it's going to produce two megawatts, then there it is. So if somebody wants to say, "Well, we're not going to bury our garbage anymore; we're going to burn it," that facility that's going to burn the garbage in the local municipalities or in proximity to those local municipalities or the areas—they will no longer have any say on what happens.

I think they need to have that say—not through NIMBYism, but the local people need to have some kind of site plan approval to say, "It is not appropriate to put it

here. It is not appropriate to put it over there. It's too close to the school. It's too close to the hydro wires. It's too close to our great plan for our downtown or the dream that we have in our official plan to make this into a park." All of those things should be relevant, and the people who live there need to know that they are being heard.

I digress a little because I want to come back to this motion number 94, which does away with Toronto's right to have any say whatsoever on the siting of these facilities. I know this has been hugely contentious in my own riding of Beaches-East York, and I know it is equally or even more contentious in the neighbouring riding of Toronto-Danforth, because I have been to several of these meetings where hundreds and hundreds of people have come out to protest, where they have come out to speak against what is happening in terms of the Portlands energy project, where they are talking about their dream and what they want in their community, not because they are NIMBYs but because we in the city of Toronto, particularly in the east end, have a very valuable asset that we want to share with all Ontarians and indeed with all Canadians. It is called the port lands. It is a derelict place. If you go there today and you go up and down the streets, some of which are in pretty sad shape, if you look at the scrub and the land, which is used for very little, where there are some factories operating and in other places there are none at all, where you see the contaminated soil, you say, what's the issue here?

The issue is that the city of Toronto for many years has had a dream. We thought that the province and the federal government shared that dream with us. We thought that one day those port lands, those derelict lands, were going to be something of which we could be universally proud, that the city of Toronto could redevelop its waterfront into a jewel.

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Madam Speaker, if you have travelled around the world, if you have been to places like Barcelona or to London or to Chicago, if you have been to New York City, if you have been to any of the great ports, Stockholm or Amsterdam, and you have seen those same derelict properties, if you have seen a waterfront that was inhabited more by rats than by people, if you have seen the contaminated soil and the old buildings and it didn't look like anything, I invite you to go back to those great cities with vision and see what they have done in their port lands, because they are phenomenal. They are unbelievable. They give us all, as human beings, a great hope of what we can do and how we can do it and what we can develop and what we can dream of.

I have to tell you that that dream spoken about by the mayor, by the council, by Robert Fung, the first waterfront czar, by TEDCO, which is the company that owns some of the municipal properties, by ordinary citizens and by community groups was to develop that. There are drawings of parks with canals. There are places where people would go to eat and people would live in decent housing. There is everything on the planning board to what will happen down there.



I guess our dream was not to be the dream that this province sees. I was listening again intently in the chair, listening to some of the jibes that were going back and forth and some of the heckling that was taking place by the Minister of Health, who, by the way, is a consummate heckler not only in question period but even here in the evening sessions. When the member from Oxford talked about competing dreams, the minister said, "No, no, there are no competing dreams here. There's only one." I want to beg to differ. He, of course, said it far more eloquently and in a far better heckling style than I have just talked about. But there is, I think, a competing dream here. There is a dream of those who live there versus those who want to impose their will upon what that section should look like.

Now, a long time ago, as a member of the megacity council, I once heard a speech by Councillor Kyle Rae. At first I was a little offended by it, but then I started to laugh and thought, "You know, he is absolutely right." His speech and the purport of his speech went something like this: "I live downtown. The rest of you are merely tourists." He was talking about all the people from Scarborough and East York and Etobicoke and North York and York. We were merely tourists. He lived downtown. He had to live every day with homelessness. He had to live every day with the derelict buildings. He had to live every day with the problems of urbanity. He had to live there because that was his community. The rest of us were tourists, he said, because every day we came down there to work and every night we went home to some safe sinecure that we called our home in some faraway place that might only be five or 10 kilometres away, but was far away from the problems that he experienced and far away from the dreams that the people who lived there had.

I want to think that exactly the same thing is happening here. People who do not live in downtown Toronto, particularly people who do not live in the eastern portion of downtown Toronto from about Cherry Street over to the Beach and maybe out and a little bit into Scarborough, that section which is gentrifying, that section which is filled with lovely people and great homes and with those who have beautiful dreams for what their neighbourhood is going to look like, are having a will imposed upon them by the rest of Ontario, which is telling them what they are going to look like, what is going to happen in their neighbourhood and what is going to happen in their community.

They have tried to fight back. They have tried, right up until August 30, to mount a campaign. They had the mayor onside; they had the local councillors onside. In fact, they had the city of Toronto council onside; the waterfront czar and everyone else was on their side. On August 30, that came crashing down in our community. It came crashing down because if you saw what happened immediately after August 30, and I know that it had to have been a plan of this government, in the couple of days following August 30, the people came out into the port lands: They came out with instruments to measure,

they came out with all of the tools of the trade, they came out with construction tools and earthmovers and they started to move in construction goods. They started to build on the port lands.

Long before the debate here today, it's already happening, because they are understanding that what you have put in that bill, on that fateful day in that committee, is the end of any public discussion. There is no longer any public discussion. The mayor has stated, "It's over." The council has stated that it's over but they still want to fight. It's over. Because what you have done is said that your competing dream is superior to theirs. You have taken away the right of their municipal government to fight it, and they were bound and determined to do it. What you've determined for Toronto, you've determined for everyone else.

What the citizens of Toronto and in particular the east end wanted was a pretty simple thing: They wanted to build a gas-fired generating plant that was about half the size of the one you want. They had a pretty good plan. They weren't NIMBYs. They had a plan that would do a whole bunch of really interesting things. They wanted to cut energy use in existing government and non-government buildings in Toronto. They wanted to set a much higher energy-efficient standard for new buildings. They wanted to invest in cutting household energy use. They wanted to utilize Toronto's cool cities program, which is renowned throughout the world. They wanted to invest in renewable energy projects; expand the use of the city's current district energy system to provide cogeneration; use gas burned at the Ashbridges Bay treatment plant for drying sludge; expand the Toronto Hydro program to convert standby generators in large buildings; set up a number of district energy grids; and provide a substantial community investment in green energy and efficiency.

They said that if all of those things were done and we still needed the energy, they would agree to put a gas-fired generating plant inside the old Hearn—not to build a new one, not to make it even uglier out there, but to put it inside the old Hearn plant, which is there on the waterfront, which has been designated as a historical property and which will probably be there for a long time, and really hide the whole thing so it wouldn't be seen and it wouldn't be a blight.

This is what reasonable people were asking to do, and this government and that committee, on August 30, said it wasn't to be. I think that was a pretty sad day for democracy and a pretty sad day for the people in the east end. In committee, I remember getting just a little riled up. You were the Chair of the committee on that day. I think I'm a little less riled up today. It came right out of the blue. We had no idea that that was going to happen until that was put on my desk the very morning of the committee. When I looked at it—the words are difficult, and it wasn't abundantly clear, and I don't think it would be abundantly clear to anyone, what page 94 was going to do. I'd just like to read it into the record to show how arcane sometimes government language is and how it's not readily apparent until a few questions are asked. It says:



**“Exempt undertakings**

“62.0.1(1) An undertaking or class of undertakings within the meaning of the Environmental Assessment Act that relates to energy is not subject to this act or to section 113 or 114 of the City of Toronto Act, 2006, if

“(a) it has been approved under part II or part II.1 of the Environmental Assessment Act or is the subject of,

“(i) an order under section 3.1 or a declaration under section 3.2 of that act, or

“(ii) an exempting regulation made under that act; and

“(b) a regulation under clause 70(h) prescribing the undertaking or class of undertakings is in effect.”

**2110**

That's what people are supposed to understand took away all of their rights. Pardon me if it was not readily apparent to anyone, because no one at all was consulted. In committee, when I asked, “What did the mayor of the city of Toronto have to say to this provision?” the answer that came back from the government benchers and from the bureaucrats who were there was that the mayor probably doesn't know about this. When I asked what the council thinks, the council didn't know about it either. The citizens didn't know about it. The press didn't know about it. In fact, no one knew what this was going to do, because although there had been deputations throughout the days that led up to that August 30 date, not one of the deputants knew what was going to be put. This was not in the original bill. This was added to the original bill after they had all spoken, so they never had any chance to comment on this. They never had any chance to look at it. They never had any chance to debate it. They never had any chance to understand what had hit them squarely between the eyes until it was over.

To my mind, that is not the way government should behave. If you're going to take away the rights of citizens, particularly those rights that you have granted a mere three or four weeks before, then you ought to be able to explain and look them right in the eye and say, “What this government has given, we are now taking away.” It was not done.

You know, it is like a government that absquatulated with the citizens' rights. It's a good word, “absquatulated.” It means “take off in the middle of the night.” That's really what they did: In the middle of the night, while everyone was asleep, they absquatulated with all of the rights of the citizens.

**Mr. Levac:** I'm glad you made that clear.

**Mr. Prue:** Yes. Under cover of darkness, I think, even.

I've talked now about the city of Toronto and about how their dreams have been dashed. I'd like to talk about the other municipalities too, because they all came forward—every single municipality that made a deputation at the committee came and said that section 23, the offending section that took away their rights under the Planning Act, was wrong. Mississauga came and said that; Toronto came and said that; York region came and said that; Ottawa, in a deputation, said that. There were written submissions from some of the smaller municipalities. The Town of the Blue Mountains said that; western

Ontario municipalities with the windmills said that. Literally everybody said that this was a wrong thing. I think that all of them still think it's a wrong thing.

I received just today—it came out last week but I only saw it today—the Pembina Institute's detailed report outlining the McGuinty government's record on building sustainable communities. From that report, I would like to read just one paragraph, because I think this is the important one:

“Provisions of Bill 51, the Municipal and Conservation Statute Law Amendment Act, that would permit exemptions of energy-related infrastructure from the approval requirements of the Planning Act seem likely to further reduce the integration of large infrastructure projects with overall land use planning policy.”

The Pembina Institute recommended, of course, that section 23 be dropped. That is not likely to happen. As we have heard from speakers before me, it is highly unusual for a government, after a bill is through committee, to make any amendments. I have not heard the minister or his parliamentary assistant suggest that so far, and I would doubt very much that I'm going to hear it from any of the members who are opposite here tonight. Why would they want to reopen a bill and take out this offending section? They have the legislative muscle to put it through, and they're going to do it. They're going to do it, to the detriment of the planning process in the province of Ontario and to every mayor and every council and every citizen who wants input on energy projects.

To my mind, this is the single and most outstanding failure of this bill. I do not understand why anyone over there thinks that this is going to further the cause of democracy in Ontario. It quite simply is not going to do so. It is going to embitter citizens; it is going to make them feel powerless; it is going to make them try to understand and not be forgiving when they find out that the rights they have enjoyed for generations have been taken away. That's where we start from here.

There are other aspects of the bill I also want to talk about, and I still have some 15 minutes left before I'm finished for today. The other aspects of it are equally troubling. They may not have been as powerful and caused such great consternation in my own self as section 23 or offending amendment number 94, but they are troubling all the same.

The first one that I find onerous and difficult and which will be impossible for ordinary citizens and for small ratepayer groups and environmentalists is the section that deals with who can appeal to the Ontario Municipal Board. The government, in its wisdom, has decided to confine—

*Interjections.*

**The Acting Speaker:** Order. It's hard to hear the member. There's too much cross-chatter.

The member from Beaches—East York.

**Mr. Prue:** Thank you very much, Madam Speaker. You're doing an excellent job in keeping the cross-chatter down.

*Interjections.*



**Mr. Prue:** Yes. Excellent. Thank you, members, those who are listening, for doing so.

It has caused a great deal of problem to many of the groups that have come forward: the environmental groups, as I have already mentioned; the Pembina Institute; the Sierra Club; and most of the municipalities that made deputations wonder intently what is in the government's mind to take away the rights that citizens have had for a long time. And I'm speaking about citizens who do not always have the luxury of attending planning meetings and making deputations. I do know, from considerable experience, as has been alluded to by my friend from Oxford—I do know, as a mayor, as a megacity councillor, as a councillor for some 13 years in East York, of citizens' ardour and passion when they come forward and want to be heard on planning issues. If there is one thing that gets the blood boiling, if there is one thing that gets citizens together, it is to look at a planning process that some of them believe may not be in the interests of their neighbourhood. You can count on them coming out by tens or twenties or hundreds, depending on the size of what is being proposed, either in favour or opposed. And they do so with the full knowledge that their local council and their mayor will listen to them, by and large will listen to them, will listen to their concerns, and will try to balance the rights that the local residents have versus the rights of the person wishing to do the development.

But what this government has chosen to do is to take away the rights of ordinary citizens to be heard at any subsequent level because they are forbidden by law under the various sections—I'm going to go through them later—to actually appeal to the Ontario Municipal Board, to have standing before the board and to make deputations before the board, unless it can be determined categorically that they have made deputations in the process that led up to this. What does that involve? I don't know. Are they going to be allowed before the board if 100 of them sign a form and one presents it? Are those 100 citizens going to be given authority?

Oftentimes citizens will have a spokesperson. They'll say, "Mr. Jones here is the most articulate amongst us. He is going to detail our concerns. We are all in agreement, we have all signed the letter, and Mr. Jones will make the presentation." Do those 100 citizens have the right—who have signed it, who went with Mr. Jones to the meeting—to be heard thereafter? What if something happens to Mr. Jones? What if he moves away? What if he dies? What if he changes his mind on the proposal? Do those citizens lose all their rights? Under this bill they do. Do the citizens lose their rights because they didn't hear about it, because they wouldn't necessarily be contacted? If the proposal is a small one, we know that people are notified usually in a 100-metre radius. Just for those who are watching TV, and perhaps for some of my colleagues here who are as old as I am, that's about 314 feet. If you live outside of that, you would not be contacted. You might never know about the development if you live 315 feet away. You might find

out after the day of the hearing. You might say, "Oh, my God," when you read in the paper, "what they're going to do to me, and I live 315 feet from that. I wasn't even notified; I didn't even know." It's too late.

**2120**

Sometimes citizens, too, are trusting. They think that the local mayor and council are going to make a decision that they want. They find out, to their chagrin, they find out to their horror, some days later that that is not going to happen. The city council and the mayor have sided with the developer. Something that they thought wasn't going to happen suddenly does. Let me tell you, they can take notice pretty fast and they can mobilize themselves pretty fast.

Oftentimes too there are many groups within the community who, for financial or legal reasons, find it difficult to be involved in the planning process until they actually know where it is going. I'm speaking particularly about environmental—

*Interjections.*

**The Acting Speaker:** Could I ask you to show a little respect for our speaker, please? I can't hear the speaker.

Member from Beaches—East York.

**Mr. Prue:** Thank you. And I thank the member from York West, the parliamentary assistant, who should be listening to every word.

**Mr. Sergio:** It's a pleasure.

**Mr. Prue:** Okay.

Citizens, particularly environmental groups and small community groups that get involved in the planning process, often don't have the expertise or the time until the process is well under way. They may not have made deputations until they have found out that in fact there are environmental impacts with large buildings or that an underground stream will be disturbed or that there is danger to the water table or that the three-ringed—I'm going to make this up—newt that lives in the little grassy area and is unique to that part of the world is endangered. There are all kinds of things that come to light after. They may not have spent the money and they don't have the money to spend, and when they get involved later they're going to find out, because they did not have the money to spend, the expertise or the people to go to the council meeting, that they are going to be locked out too.

I find this a very sad day because citizens, for 100 years, have had the right to be heard. Now the only people who are guaranteed the right to be heard are the minister—a good thing, I guess, if the minister ever wants to get involved, which is doubtful—or the council that made the decision, or the body that made the decision if the council has delegated it, or—that's about it. Or the developer; oh, I forgot the developer. The developer can always be heard. You know those guys; they're the ones with the high-priced lawyers and the accountants and the planners and the environmental engineers and every expert that you could possibly think of and every piece of paper that can be put on a desk in front of a politician. They'll have the right to be heard, as if they weren't already heard. They are so professional,



these guys, and we all know it. Anybody who has been in municipal politics in this room, anybody who has been in this House for a while, knows that the developers have all of the marbles. They're not going to be impacted because of course they're going to be able to be represented. They've been there from the beginning. They're experts, they're doctors, they're lawyers, they're engineers. They're all going to be there, and they're not going to be impacted in any way. The only people who were asking in the committee, the only people who were saying that the citizens shouldn't be involved in this ultimate process, were the developers because they find it very troublesome, very irksome, to have to deal with ordinary citizens who get in the way of their making money and making it as fast and as well as they possibly can. They find it very irksome that people will come forward with complaints, oftentimes legitimate, after the fact, who just didn't know.

That's what we're seeing here: The developers are getting precisely what they wanted. They asked for it. They asked the Liberal members of the committee: "This is what we want to make more money." They didn't say those words, but they meant it. "This is what we want to do the process faster before people can find out what we're doing." They didn't say those words, but that's what they want too. And there was the committee, more than happy to oblige them and to take away every citizen's right to be heard.

I find that to be troubling as well. I find it to be troubling because we went through a whole bunch of sections, and each one of them was unique in itself, and each one of them—each and every one of them—took away and got rid of the section where the rights were contained with very calm and nice words. Here's a good example: "I move that subsection of whatever of the bill be struck out," and then the next thing you see is the subsection that they struck out, "and the following be substituted." So first of all you strike it out, and then you substitute what were a couple of lines with a couple of pages. It substitutes all those rights and takes all those rights away. In this one example here it says, "A person or public body who, before the plan was adopted, made oral submissions at a public meeting or a written submission to council." Those are the only people who can now be heard. If you didn't do that, you can't do it at all.

There was another really funny thing—because I've only got a couple of minutes today, in this first half of—

*Applause.*

**Mr. Prue:** Yes, I know you're glad that it's 9:30. I can tell.

There was one really funny question I asked, and I asked the question and I was shocked that the members of the committee voted for the resolution notwithstanding. It was that it is incumbent upon the head or the chair of the planning body—or on the mayor if in fact the council is hearing—at the end of the hearing to state that anyone who has made a deputation has the right to appeal it. But you don't have to tell those who have made written submissions. Remember when I asked this question? What if somebody couldn't go to the meeting because they're old or they're infirm or they just happen to know that they were leaving for vacation a few days before the meeting was held, but have sent a detailed written comment saying why they oppose the application or what changes they want in the application? How would these people be informed of their right to appeal? You know, this bill says they will not be informed of their right to appeal. I thought that was horrid. They will not be informed of their right to appeal. They will have no knowledge that they have a right to appeal because they were not at the meeting. Whether they made a written submission or an oral one, they were not at the meeting and therefore they could not hear it. There was no obligation whatsoever on the clerk of the municipality. There was no obligation on behalf of the council or the developer or anyone else who may reasonably have been in attendance to let those people who made written submissions know of their right to appeal if they did not like the decision. I questioned that. The committee seemed to think that that was okay; if you didn't show up, you don't know. If you wrote, you don't get a written response, but if you were there, you might.

So there you have it: If you write, you get no right of appeal, or at least you're going to have to find out some other way. If you're there and you let someone else do the speaking for you, even though you may have signed the document and indicated your support for the speaker, you get no right to appeal. If you're unable to attend, no right to appeal; if you live beyond the 314-foot perimeter and you didn't get notified and find out too late, you have no right to appeal. What kind of citizens' bill is this? Quite frankly, it is not a citizens' bill; it is a bill designed by and for the development industry.

I have more to say, but I think the time has run short.

If you think the time is over, then I would be more than happy to present the balance on the next occasion.

**The Acting Speaker:** It being 9:30 of the clock, this House now stands adjourned until tomorrow, Tuesday, October 3, 2006, at 1:30.

*The House adjourned at 2129.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
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**Assemblée législative  
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Deuxième session, 38<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 3 October 2006**

**Mardi 3 octobre 2006**

Speaker  
Honourable Michael A. Brown

Clerk  
Claude L. DesRosiers

Président  
L'honorable Michael A. Brown

Greffier  
Claude L. DesRosiers



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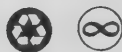
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 3 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 3 octobre 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### MANUFACTURING JOBS

**Mr. Ted Chudleigh (Halton):** Three years of broken promises are hurting Ontario's economy. It seems that not a month goes by in this province without there being a slew of layoff and plant closure announcements. September was no different when it was announced that scores of workers in the auto sector will be laid off in the coming months: Sterling Truck in St. Thomas laid off 600 people; International Truck in Chatham laid off 500 people; Wallaceburg Preferred Partners laid off 250 people; Accuride in London laid off 40 people; Dura Automotive Systems in Stratford laid off 280 people; Dana Corp., St. Marys, laid off 100; Tower Automotive in Toronto closed, 180 people out of work; Dana Corp., Barrie, closed, 90 people out of work; and of course, Ford's Essex engine plant in Windsor has announced its closure, with 700 people losing their jobs. That's 2,700 jobs in the month of September alone.

Ontario has lost close to 90,000 manufacturing jobs since the beginning of 2005. Ontario is rapidly becoming a non-competitive jurisdiction with jobs flowing out of the province to the US, to other provinces and even to China.

It is quite clear that the situation in the manufacturing sector is getting worse under the McGuinty Liberals. They have no plan other than to announce, reannounce and reannounce again the small successes they have stumbled across, hoping that Ontarians won't notice.

Not that we are surprised: After three years of broken promises, Dalton McGuinty will say anything—anything at all—to get re-elected.

#### THORNHILL JOB FAIR

**Mr. Mario G. Racco (Thornhill):** Job creation has been a priority of the McGuinty government since day one. I am proud of the fact that 268,000 net new jobs have been created in Ontario since October 2003.

In my riding of Thornhill, where job opportunities are plentiful, local businesses are in need of workers. This is why I decided to organize a Thornhill job fair. After several months of planning and organization, the first Future-Focused Thornhill Job Fair took place on September 21 at the Promenade Mall. In total, we had 20

vendors participate in the job fair, representing a variety of companies and employment sectors, including Tim Hortons, York Regional Police and the YMCA, among others.

Hundreds of people either participated in the job fair or acknowledged the service we were providing to the community. The response was even greater than expected, and many businesses had to be turned away. In order to accommodate everyone, we intend to hold another job fair in the future.

I would like to thank the Promenade Mall for kindly hosting the event. I would also like to thank the businesses that participated in the job fair, as well as all the volunteers and community members who helped make this event possible.

The McGuinty government has increased net new jobs in the last three years by 268,000. That's quite an achievement. We are pleased, and I'm certainly pleased, to see so many jobs available in Thornhill.

#### GOVERNMENT'S RECORD

**Mrs. Julia Munro (York North):** With a year and a day until the next provincial election, people throughout Ontario are getting ready to cast their verdict on the Liberal government. Radio station CFRA in Ottawa, a station the Premier avoided visiting or talking to for the first three years, asked its listeners to rate the first three years in office of the McGuinty government. The Premier will be happy to know that of the 2,362 people who responded to the poll, only 36% think he is doing an unsatisfactory job. Unfortunately for the Premier, another 38% of people in Ottawa think he is doing a terrible job.

Maybe people in Ottawa think the Liberal government is doing a bad job because Premier McGuinty will not help with Ottawa's gridlock. Maybe it's because of the increasing wait times at the Children's Hospital of Eastern Ontario. Maybe it's because of the children over six waiting for autism treatment. Maybe it's because of the failure to meet the goal of a 60% diversion rate of municipal garbage.

CFRA's poll is a local report card on the McGuinty government from the Premier's own hometown. It's a failing report card because of the government's record—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### TRANSPORTATION INFRASTRUCTURE

**Mr. David Oraziotti (Sault Ste. Marie):** I'm pleased to rise in the House today to take this opportunity to com-

ment on the continued effort of our government to improve and repair transportation infrastructure in Ontario and in my riding of Sault Ste. Marie, after many years of neglect. This past Friday, I had the opportunity to welcome the Minister of Transportation, Donna Cansfield, back to Sault Ste. Marie for the opening of Carmen's Way, a needed truck traffic route linking our International Bridge to the TransCanada highway. After more than 40 years of transports traveling in our downtown core, damaging our city streets, compromising public safety and creating local congestion, our government provided \$5.6 million towards this necessary infrastructure project.

The new truck traffic route will also have positive economic impacts in my riding because it furthers Sault Ste. Marie's position as an attractive alternative border crossing; 130,000 commercial trucks carrying about \$3.5 billion worth of goods now cross our International Bridge every year. That's up 227% in the last 20 years.

Sault Ste. Marie has also been the beneficiary of a number of other investments: \$9 million toward our connecting link road improvement project, \$4.7 million through the Move Ontario program for roads and bridges, \$1.4 million in new provincial gas tax funding and \$1.4 million in COMRIF funding for local road improvements.

The McGuinty government is delivering better, safer highways, roads, bridges and public transportation across Ontario. These investments continue to demonstrate our unwavering commitment to our municipalities.

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#### GOVERNMENT'S RECORD

**Mr. Tim Hudak (Erie-Lincoln):** In many ways, it seems like yesterday that Dalton McGuinty was handed the keys to the Premier's limousine, then subsequently immediately tossed his campaign promises right out the window. But unfortunately for Ontario working families and seniors, it's been a long three years of broken promises and weak leadership.

In fact, Dalton McGuinty did his tour yesterday as part of his "Sorry I broke my promises" tour across the province of Ontario, but every time he tried to break with his reputation of broken promises, he was haunted by ghosts of those very same broken promises stop after stop: first at CFRA Radio, where, as my colleague indicated, a poll said that some 74.5% of listeners described the three years of the McGuinty Liberal government as unsatisfactory or terrible.

Second stop: Dunlop Public School, where Dalton was trying to boast about his cap on class sizes. But he has neglected to talk about the hard cap he had promised during the campaign or the important side effect that class sizes for grade 4 and up are heading upwards and not downwards.

Down the 401, school boards are protesting the government's lack of funding for key programs and taking on the new Minister of Education.

Then, importantly, the Ajax hospital: When Dalton was trying to boast about his fictitious new nurses, a real, live flesh-and-blood nurse called the Premier on his broken promise and said that she certainly has not seen any front-line nurses. She said in fact that they're all working in upper management, if anywhere. She basically said his pants were on fire.

Three years of broken promises and weak leadership.

#### DAVID BREECH

**Mr. Michael Prue (Beaches-East York):** I rise to salute the Beach Citizen of the Year. Every year, the citizens of our community get together and decide who is the best recipient of the Beach Citizen of the Year award for his or her contribution to the people of the Beach.

This year, the recipient of our own very prestigious award is David Breech. He is best known in the community for the 20 years he has devoted to the East Toronto Baseball Association, but he is also a leader at the local Scout troop. He's active in St. John's Roman Catholic church and the Beach Interfaith Outreach Committee. He does work for St. John's Catholic parents' council. He's on the Kimberly school council. He does the yearly Spring Sprint, the race along the Beach and the boardwalk. He is active in Centre 55's Share A Christmas and helps with the jazz festival. That's what one guy does in the Beach.

The devotion to the people of the Beach—the devotion to the children especially and the future citizens—is unparalleled. I ask all citizens to join with us at the Millennium Gardens at Coxwell and Eastern Avenues on Saturday, October 14, at 1 p.m. We salute the newest recipient of the Beach Citizen of the Year award and we induct our newest citizen at the same time. Congratulations to David Breech.

#### HEALTH CARE FUNDING

**Mr. Brad Duguid (Scarborough Centre):** I rise in the House today to speak about the progress this government has achieved in just three short years in health care.

That progress is even more impressive if you remember where we started. The previous government cut \$557 million from hospitals, closed 28 public hospitals and eliminated 5,000 hospital beds in their first two years alone. That was after the government before them cut \$268 million from hospitals and closed 8,000 hospital beds.

On the other hand, the McGuinty government has demonstrated its commitment to the health care of Ontarians by increasing funding for hospitals by over \$2.2 billion. We've also funded over 5,000 full-time nursing positions, increased the number of first-year medical school spaces by 23% and more than doubled the number of training spots for international medical graduates. We're also on track to open over 150 family health teams and we have doubled the number of community health



centres so that Ontarians can receive the health care they need closer to home.

**Mr. John O'Toole (Durham):** How's it working?

**Mr. Duguid:** A member asks, "How's it working?" Let me tell you, in my own riding, the Minister of Health has been there two times in the last two weeks: once to break ground on a \$57-million new emergency and critical care wing, another to create a brand new community health centre. On top of that, we're also funding a community health team in my own riding, as we're doing right across the province.

I'm proud to remind all members of this House of this great record that our—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### KOREAN NATIONAL FOUNDATION DAY

**Mr. Tony Ruprecht (Davenport):** Today, Korean nationals and Korean Canadians are celebrating a special day: Korea's National Foundation Day. As we raised this very special flag today, we were reminded by the Consul General of Korea of the very deep religious significance of their flag—the yin and the yang, fire, Earth, heaven and water. The very positive and negative influences of humanity are all reflected in this flag. We were delighted to raise it today.

I want to remind members that, unlike Canadians who experienced a fairly easy progression towards independence, Koreans had a tremendous experience in terms of their own pain, and the destructive ability of the North Korean forces. I want to remind all members today that there were 20,000 Canadian soldiers who stood arm-in-arm next to Koreans to fight for democracy and independence. What did these Koreans really want? They wanted to ensure that they had their own independence, they wanted to structure their own future, and they wanted to determine their own destiny.

That's why today, while we are reminded of this flag, we want to ensure we are with Koreans as they pass on the torch of freedom from one generation to the next. We are also reminded of the great and very important contributions Koreans made in this country. That's why we are proud today to maintain independence and freedom. Thank you.

#### CLASS SIZE

**Mr. John Wilkinson (Perth-Middlesex):** "Smaller Class Sizes Will Eventually Pay Off: Provincial initiative makes sense." That is the editorial in the Mitchell Advocate, a daily paper in my riding, and I quote—

**Mr. Tim Hudak (Erie-Lincoln):** It's your column.

**Mr. Wilkinson:** I'll tell that to Andy Bader.

This is the editorial: "It makes perfect sense that smaller class sizes for elementary school students, in the primary age group at least, will be a benefit to their future learning.

"The lesser the number of pupils for a teacher to look after, the greater the chance of pinpointing students' strengths and weaknesses at an age where specialized help, or before problems linger, can be found.

"Seems reasonable, doesn't it?"

"And this is what the Dalton McGuinty provincial government is trying to do."

I go on further. "Locally, the Avon Maitland District School Board reported that 19 schools have directly benefited and 20.8 teachers have been added to reduce class size, while the Huron-Perth Catholic District School Board reported that five schools have directly benefited....

"Educators are noticing the improvement.

"It is working very well for our young students," said Janet Jamison, principal of St. Marys Central Public School, where Wilkinson—I think they're referring to me—"paid a visit last week. 'We know they will benefit from smaller class sizes and additional teaching staff and we're confident that we will see improved student achievement.'

"Time will tell, of course," says the editorial, "but it looks as if things are on the right path."

The choices you make as a government send a quick and important message. We are not the NDP who ripped up contracts, and we are not the—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### RESIGNATION OF MEMBER

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that a vacancy has occurred in the membership of the House by reason of the resignation of Cam Jackson as member of the electoral district of Burlington, effective September 29, 2006.

#### ANNUAL REPORT, ENVIRONMENTAL COMMISSIONER OF ONTARIO

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that I have laid upon the table the 2005-06 annual report of the Environmental Commissioner of Ontario.

#### INTRODUCTION OF BILLS

##### LONG-TERM CARE HOMES ACT, 2006

##### LOI DE 2006 SUR LES FOYERS DE SOINS DE LONGUE DURÉE

Mr. Smitherman moved first reading of the following bill:

Bill 140, An Act respecting long-term care homes /  
Projet de loi 140, Loi concernant les foyers de soins de  
longue durée.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

Does the minister wish to make a brief statement?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I will defer to ministerial statements.

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#### PATIENT-TO-DOCTOR RATIO ACT, 2006

##### LOI DE 2006 SUR LE RAPPORT ENTRE PATIENTS ET MÉDECINS

Mr. Martiniuk moved first reading of the following bill:

Bill 141, An Act to establish a yearly target for the patient-to-doctor ratio / Projet de loi 141, Loi établissant un rapport cible annuel entre patients et médecins.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

Does the member wish to make a brief statement?

**Mr. Gerry Martiniuk (Cambridge):** Today, there are 1.2 million men, women and children in Ontario without a family doctor, and unfortunately, it's going to get worse. As the most famous catcher in baseball, Yogi Berra, once said, "You've got to be very careful if you don't know where you're going, because you might not get there." Well, that aptly describes the McGuinty government's lack of plan and vision to solve the doctor shortage. They truly don't know where they're going.

This bill forces the government to address this crisis by establishing an absolute minimum number of doctors required to service Ontario patients. The patient-to-doctor ratio bill forces governments to meet the target, for if they do not, all cabinet ministers would take a reduction in pay for that year.

Every person in Ontario is entitled to the services of a family doctor.

#### TRANSPARENCY IN PUBLIC MATTERS ACT, 2006

##### LOI DE 2006 SUR LA TRANSPARENCE DES QUESTIONS D'INTÉRÊT PUBLIC

Mr. Craitor moved first reading of the following bill:

Bill 142, An Act to require that meetings of provincial and municipal boards, commissions and other public bodies be open to the public / Projet de loi 142, Loi exigeant que les réunions des commissions et conseils provinciaux et municipaux et d'autres organismes publics soient ouvertes au public.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Mr. Kim Craitor (Niagara Falls):** Today, I'm pleased to introduce a bill entitled Transparency in Public Matters Act, 2006. My bill designates and requires these designated public bodies to give reasonable notice of their meetings and ensure that the meetings are open to the public, and public distribution of the minutes in a timely fashion. In addition, my bill establishes a procedure to make a complaint to the Information and

Privacy Commissioner and authorizes the commissioner to make certain orders of review, including an order that voids a decision made at a meeting that did not conform with the requirements of the bill. My bill will include, as well, the parks commission, municipally owned hydro utility companies, CCACs and other bodies designated under the act.

Finally, this proposed bill will make public bodies more transparent and reinforces the concept that the public have a right to know how and why their money is being spent.

## MOTIONS

### COMMITTEE MEMBERSHIP

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I seek unanimous consent to put forward a motion without notice regarding the membership of a certain committee.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley is asking for unanimous consent to put forward a motion without notice regarding the membership of a certain committee. Agreed? Agreed.

**Hon. Mr. Bradley:** I move that the following substitution be made to the membership of a committee: on the standing committee on government agencies, Ms. DiNovo replaces Mr. Bisson.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I seek unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley seeks unanimous consent to put forward a motion without notice regarding private members' public business. Agreed? Agreed.

**Hon. Mr. Bradley:** I move that, notwithstanding standing order 96(d), the following change be made to the ballot list of private members' public business: Ms. DiNovo and Mr. Bisson exchange places in order of precedence in order that Ms. DiNovo assumes ballot item 57 and Mr. Bisson assumes ballot item 77.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

## HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Now the motion that the House leader of the



third party is waiting for: I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Tuesday, October 3, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has moved government notice of motion number 186. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1358 to 1403.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Amott, Ted	Hardeman, Ernie	Pupatello, Sandra
Arthurs, Wayne	Hoy, Pat	Racco, Mario G.
Balkissoon, Bas	Hudak, Tim	Ramal, Khalil
Bartolucci, Rick	Jeffrey, Linda	Rinaldi, Lou
Bradley, James J.	Kwinter, Monte	Runciman, Robert W.
Bryant, Michael	Leal, Jeff	Ruprecht, Tony
Cansfield, Donna H.	Levac, Dave	Sandals, Liz
Caplan, David	Marsales, Judy	Scott, Laurie
Chambers, Mary Anne V.	Martiniuk, Gerry	Sergio, Mario
Chudleigh, Ted	Matthews, Deborah	Smith, Monique
Colle, Mike	Mauro, Bill	Smitherman, George
Craitor, Kim	McNeely, Phil	Sorbara, Gregory S.
Delaney, Bob	Miller, Norm	Takhar, Harinder S.
Di Cocco, Caroline	Mitchell, Carol	Tory, John
Dombrowsky, Leona	Mossop, Jennifer F.	Van Bommel, Maria
Duguid, Brad	O'Toole, John	Watson, Jim
Dunlop, Garfield	Oraziotti, David	Wilkinson, John
Elliott, Christine	Ouellette, Jerry J.	Witmer, Elizabeth
Fonseca, Peter	Patten, Richard	Wynne, Kathleen O.
Gerretsen, John	Peters, Steve	Yakubuski, John
Gravelle, Michael	Phillips, Gerry	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Bisson, Gilles	Kormos, Peter	Murdoch, Bill
DiNovo, Cheri	Marchese, Rosario	Prue, Michael
Horwath, Andrea	Martel, Shelley	Tabuns, Peter

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 62; the nays are 9.

**The Speaker:** I declare the motion carried.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### LONG-TERM CARE

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Today I would like to start by welcoming a lot of people in the various galleries who have worked hard on the issue of long-term care: staff from the ministry and, in our other galleries, Maureen Hutchinson, who is the new president of the Ontario Association of Residents' Councils; Pat Prentice from the residents' councils; Lois Dent of

Concerned Friends of Ontario Citizens in Care Facilities; Judith Wahl of the Advocacy Centre for the Elderly; Barbara Leja from Family Councils; Kathy Dingwell and JoAnn Stephan of the Activity Professionals of Ontario; Donna Rubin from OANHSS; Karen Sullivan from OLTCA; Sandra Pitters from the city of Toronto Homes for the Aged. They all share a dedication to providing care for our loved ones in long-term care, and we welcome them all. Thank you for being here.

It is with very great pride that I rise in my place to tell my colleagues about the latest step our government is taking to ensure that the residents of long-term-care homes in Ontario are treated with the dignity and compassion they deserve.

The Long-Term Care Homes Act, 2006, will, if passed, replace the three different statutes that currently govern the system, but it will do oh so much more than that. The act is the cornerstone of our strategy to ensure the best possible level of care for residents of this province's 618 long-term-care homes, and if passed, it will make Ontario a leader in protecting the rights of long-term-care residents. Our proposed resident bill of rights would be the most extensive and comprehensive, providing greater protection than any other jurisdiction in Canada.

It will ensure, once and for all—and the name of the legislation was chosen very deliberately to reflect this—that our parents and grandparents can enter long-term care knowing they are going into homes, not facilities. That distinction was born in my mind three years ago, very soon after we came to office, and there was a flurry of media reports chronicling the absolutely unacceptable conditions at certain long-term-care facilities. And make no mistake, these were facilities, not homes.

We determined at that time that we had a mission: that there was going to have to be a revolution in long-term care to ensure that the word "facilities" in association with our grandparents', our parents' and other loved ones' living was going to be history. The word was going to be history, the mindset was going to be history and the conditions associated with the word and the mindset would be history as well.

My colleagues might wonder, are we there yet? Have we replaced facilities with homes? No, not completely. The revolution we began in long-term care isn't done yet, but together with our partners in long-term care, we have accomplished a great deal and today we take another step forward.

We launched our long-term-care consultation/action plan back in January 2004. Monique Smith, my parliamentary assistant, travelled far and wide in this province to learn more about long-term care: what was working and what wasn't, what was urgent and what needed to be done but could wait, perhaps, a little while longer.

I want to take this opportunity to bring to my colleagues' attention the extraordinary work that Monique has done on this province's behalf. She has been unfailing in her commitment and unwavering in her determination to make things better for long-term-care residents.



The bill I am talking about today is very much a tribute to her great work, and we thank her for it.

During the course of her consultations, Monique heard from administrators and residents, from countless different members of Ontario's long-term-care community about their views on how to improve the system. Out of all that came her May 2004 report, *Commitment to Care: A Plan for Long-Term Care in Ontario*. That plan was to be a blueprint for our long-term-care revolution. In response:

—We hired 3,140 new staff in our long-term-care homes, including 682 new nurses.

—We launched a public website to allow Ontario seniors, their families and anyone else with an interest in long-term care to access information about homes and their record of care. Every day this website gets 160 visitors who are looking for information about our initiatives on long-term care and, more to the point, about the quality of care in various homes.

1410

—We introduced a toll-free action line for people to get information or register a concern or a complaint. That line has received 9,476 calls and, of those, almost 2,500 have been sent to the regions for follow-up or investigation.

—Ministry inspectors have begun surprise annual inspections because you know that if people know you're coming, they tend to sweep whatever they can under the rug.

—We mandated residents' councils and strongly encourage family councils so folks who live in these homes and their families can have a say in how they're operated. Speaker, you and I have a say in how things are done where we live; we have for almost our whole lives. Is there some reason that we should stop when we reach a certain age and move into a long-term-care home?

—Finally, we introduced a regulation to allow couples to live together in the same home even if they require different levels of care. I've always thought that one a bit of a no-brainer, but apparently we were the first to think of it.

All of which brings us to today, Speaker, and the introduction of this extremely important bill. Let me give you, and through you my colleagues, a few highlights.

If the Long-Term Care Homes Act is passed, there will be zero tolerance—and I do mean zero tolerance—of abuse and neglect of residents. Any—and I do mean any—abuse or neglect that occurs must be reported, and there will be whistle-blower protection in place to ensure that the people doing the reporting don't have to worry about any retaliation.

It will be entrenched in law that a registered nurse must be on duty in the home 24 hours a day, seven days a week.

There will be detailed and comprehensive provisions to minimize the use of restraints on residents, so they are only used when absolutely necessary and only with proper safeguards in place.

There will be tighter and more consistent reporting requirements for long-term-care home operators. Clear

requirements for the proper training and orientation of long-term-care staff and volunteers will be put into place.

We will introduce a system of licensing that gives us better control of where beds are located and ensures that the issuing of a licence would be dependent upon the competency of the proposed operator. Licences could be revoked at any time for non-compliance, because quality of care is what this is all about.

In drafting the legislation, we took into account the opinions expressed by more than 700 Ontarians in response to *Future Directions for Legislation Governing Long-Term Care Homes*, which was a discussion paper we released in November 2004. Those opinions and suggestions were as varied as they were helpful, but they absolutely had one thing in common: They reflected a deep and abiding commitment to see the residents of long-term-care homes in Ontario live with dignity, in the comfort and safety that all of us would want for our parents, for our friends, for our children and for ourselves. That only makes sense because that stage of life comes to all of us.

Surely we have an obligation to ensure that we all, regardless of our wealth, our situation or our station in life, are able to live our declining years without feeling that society no longer cares or has passed us by, without feeling that somehow at a certain age the notion of society no longer applies to us. That's the culture of long-term care that we are determined to build in this province.

The Long-Term Care Homes Act, 2006, is a critical part of our plan for doing that. I'm sure that when all members of this House study the act and think about what it accomplishes, they will pass this into law. It's the right thing to do for our seniors and other residents of our long-term-care homes. I thank everyone for the work they've done to date, and for the opportunity to bring this forward for debate.

## SMALL BUSINESS

**Hon. Harinder S. Takhar (Minister of Small Business and Entrepreneurship):** I am pleased to inform the Legislature about the important steps our government is taking to support small businesses in Ontario.

The McGuinty government places a high value on the outstanding contributions made by small business and its hard-working entrepreneurs. Ninety-nine per cent of businesses in Ontario are small and medium-sized. We define SMEs as having less than 500 employees in their organization. Half of Ontarians work for these firms, and many of these firms succeed bolstered by a highly skilled workforce. So it's easy to understand why innovation, investment and job creation are thriving across the province.

This government champions the entrepreneurial spirit that drives economic prosperity. We have taken key steps to ensure this continues. The McGuinty government established for the first time a ministry devoted solely to the needs of small business. I am proud to lead the Ontario Ministry of Small Business and Entrepreneurship



and set a direction on how we can accelerate small business growth and success.

One of the first things I announced as minister was an additional investment of \$10 million over three years to support the long-term growth of Ontario's VQA wine industry. This should help make wine producers and grape growers become more competitive.

We have also provided \$673,000 through youth entrepreneurship partnerships to create a culture of entrepreneurship among Ontario youth.

In July, we launched our ministry's new website for small business owners and entrepreneurs. I encourage everyone to visit [www.sbe.gov.on.ca](http://www.sbe.gov.on.ca) to learn about the many exciting opportunities that lie ahead for entrepreneurs to grow their business and succeed. It provides a wealth of information and connections to people and resources that can help them be successful, such as Service Ontario, which provides small businesses with one-stop access to government information and services online, in person and by phone; 44 small business enterprise centres in 53 locations across the province which assist small entrepreneurs to start and grow businesses; and the Small Business Agency of Ontario, which works hard to reduce the paperwork burden faced by small business entrepreneurs. The goal of our government is to save entrepreneurs time and money so they can concentrate on being successful, productive and innovative. That means more jobs and prosperity for Ontario.

This summer I toured the province and met with small and medium-sized business owners, executives and organizations. I also met many of our students participating in our summer company program, where they get their first crack at establishing and running their own businesses. In fact, we accepted 370 students into this year's summer company program, and that is a record in itself. I can assure the people of this province that youth entrepreneurship is alive and well here in Ontario. Our young people have the talent, energy and ideas to make the province grow and prosper. They are our future, and the future is now.

Our government plans to build on our efforts with new initiatives that are being planned as I speak. We are developing a comprehensive one-stop-shop website to give small business owners and entrepreneurs valuable information to help them start and grow successful businesses. Our paper burden reduction initiative will move ahead. The goal is to eliminate obsolete government paper forms and convert streamlined and relevant forms for easy access online. We want to extend value-added experience for student entrepreneurs through a pilot program known as future global entrepreneurs. We want to send post-secondary students to experience how international business operates through international placements and to understand why Ontario's role in the global marketplace is critical to our prosperity.

We also want to give and improve opportunities for small businesses to sell their products to government, and start a women's entrepreneurship conference and mentoring program, given the increasingly important role women are taking in contributing to Ontario's economy.

We have lots to celebrate in Ontario, and during October we are celebrating Salute to Small Business Month. We want to recognize the outstanding contributions small business owners and entrepreneurs make every day. It is also an opportunity to inform entrepreneurs about the programs our government has designed to help them succeed.

Our government is celebrating the spirit of Ontario's 340,000 small and medium entrepreneurs and their success. We want all small business owners and operators to feel proud of what they do. I urge everyone to support small businesses in Ontario.

**The Speaker (Hon. Michael A. Brown):** Statements by the ministry? Responses?

1420

### LONG-TERM CARE

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** Today we have the introduction of this new Long-Term Care Homes Act, and it's certainly a disappointment. It's indicative of yet another Liberal broken promise, and it also demonstrates once again that the Liberals are prepared to say anything to get elected, and then of course break their promise afterwards.

Regrettably, we have here today a bill which the minister says will allow residents to live with the dignity, comfort and safety that obviously he intends to say they deserve. I would say to you that this bill does anything but. This bill simply consolidates three acts. It makes different statements about mechanisms that are already in place. There's very little new in the legislation.

For example, it makes reference to the fact that patients are going to have two baths a week—nothing new here. It also makes reference to the fact that there's going to be 24/7 nursing care. Well, there's nothing new here; that was already put in place in January 2005. The reality is that there aren't enough nurses to be hired for the long-term-care facilities. They are only in compliance to the tune of about 92%. So that's something the minister is going to have to fix, and he's also going to have to provide appropriate funding in order that the nurses can provide the care they need.

This does not, however, address a problem that was brought to our attention this past summer. There is no limit on how hot it can be in patients' bedrooms, and this summer, when the heat was up over 30 degrees, we all heard from families whose mothers, fathers and other family members were uncomfortable. There was no responsibility that there be air conditioning. These people were cooking in their beds, and there's nothing that's going to change that fact.

Also, currently, nursing homes spend only \$5.46 on food, while the people in our prisons are allotted about \$11. However—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. There is way too much, as I call it, ambient noise. I need to be able to hear the member from Kitchener-Waterloo.



**Mrs. Witmer:** However, the broken promise is that the resident councils and family councils that have been set up have been approaching MPPs because this government broke its promise to seniors. They promised in the election that they were going to provide \$6,000 in care for every resident, and they were going to provide an additional 20 minutes. This government has not done so.

This government also is not following through on its commitment to provide new facilities for the residents. They're not continuing with our plan of making sure that residents are accommodated in new facilities. There's no plan here for capital renewal whatsoever. There's not going to be any construction of new homes. There are 36,000 people in this province who are going to continue to live in beds in wards with four people, without a wash-room, without hallways that are wide enough to accommodate them. This is not going to give them dignity. It's not going to do at all what the minister says. There is no plan for the renewal of older homes. Half of them in this province need to be done. We undertook that plan in 1998. We had 20,000 new long-term-care beds, and we renovated all the D beds, which was 16,000. You are not continuing with the plan.

The other thing is the new issue of limited licensing. This will not lead to the construction of new homes. This is untenable for the sector, the lending institutions. It's going to create uncertainty and instability, and it certainly could compromise the financing and the operation of these homes. So for you to say this is going to provide safety and dignity for these residents, definitely it will not.

### SMALL BUSINESS

**Mr. Ted Chudleigh (Halton):** Ontario's small business sector is an important engine in driving Ontario's economy, but the government of Dalton McGuinty doesn't seem to want to walk the walk. It's too bad. How does the Premier demonstrate his appreciation for small business in Ontario? He breaks his promises. He promised not to raise taxes—broken. He promised to fix the property tax assessment system—broken. He promised to cap electricity prices—broken. He promised to roll back tolls on the 407—broken. He promised to abide by the Taxpayer Protection Act—broken. He promised to govern with honesty and integrity—broken. He promised to close all coal-fired electricity plants by 2007—broken. He promised to hire 8,000 nurses—broken. Broken, broken—

**The Speaker (Hon. Michael A. Brown):** Thank you. *Interjections.*

**The Speaker:** Order. The government House leader will come to order.

Responses?

### LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** The Minister of Health promised to bring in new long-term-care legis-

lation two years ago. I don't know why the government delayed doing so, but I can tell you that New Democrats expect full province-wide public hearings on this bill. And why? Because this bill does not deliver on the single most important promise the Liberals made in the last election to the frail and elderly in our long-term-care homes, and that promise was to guarantee a certain level of hands-on care per resident per day for those who live in our long-term-care homes.

Right now in Ontario there's no standard. There's no law regarding how much hands-on care a resident is entitled to receive. There hasn't been a standard in place since it was cancelled by the Conservatives 10 years ago. Under the New Democrats there was a standard of 2.25 hours of hands-on care per resident per day, and when the Conservatives cancelled that standard, it had a very negative impact on the frail and elderly.

In 2001, PricewaterhouseCoopers compared the levels of care received by residents in Ontario long-term-care homes to residents living in seven other jurisdictions in every category of care: nursing, specific nursing intervention, occupational therapy, behavioural therapy. Residents of Ontario long-term-care homes ranked last every time. That's probably why, in the last election, Dalton McGuinty promised, and I quote: "Ontario Liberals are committed to reinstating the standards of care for nursing homes that were removed by the Harris-Eves government, including minimum 2.25 hours of nursing care daily and three baths per week."

Are there minimum standards of care in this bill? No. Are the Liberals keeping the promise they made to reinstate minimum standards? No. Are the Liberals responding to the coroner's jury recommendation in April 2005 that the minister set and fund a standard of care of no less than 3.06 hours of hands-on care per day? No. The Liberals' standard on hands-on nursing care is the same as the Conservatives': There is no standard. This broken McGuinty Liberal promise will continue to negatively affect the frail and elderly who live in our long-term-care homes, and the government's got to deal with that.

Secondly, where has the government been on the critical issue of zero tolerance of abuse of the frail and elderly in our long-term-care homes? In April 2004 and again in March 2006, New Democrats introduced the Safeguard Our Seniors Act to protect residents in long-term-care homes from abuse. Our bill placed a duty on operators and persons aware of abuse to report it to the Minister of Health. The minister could have an investigation. The minister could refer criminal wrongdoing to the police. The minister could also report that individual to their individual college. Whistle-blowers were also specifically protected. And anyone contravening the act would face an individual fine of \$50,000, and for corporations a \$1-million fine.

On numerous occasions we urged this government to implement the Safeguard our Seniors Act, and the Liberals refused. If you were so concerned about protecting seniors in care, why didn't you bring our bill forward?



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Thirdly, what happened to the promise made by the Minister of Health to establish an independent ombudsman to advocate for long-term care and deal with complaints? At a February 2004 meeting with Gord Moore, provincial president of Ontario Provincial Command, the Royal Canadian Legion, the minister promised to create this position. We confirmed that with Gord Moore again this morning. Is the position of ombudsman created in the bill? No. Is the government giving the current Ombudsman oversight power of long-term-care facilities, as proposed by my colleague Andrea Horwath? No. These are important proposals. They should have made their way into this bill, and they didn't.

Long-term-care homes also need specialized staff, specialized units and funding necessary to care for residents who are violent and aggressive and likely to hurt other residents. This was recommended by a coroner's jury in 2005. Did that commitment make its way into this bill? No. This bill lacks maximum indoor standards regarding temperatures for long-term-care homes. It lacks a requirement, also proposed by the same coroner's jury, that a study be done every three years to determine how our frail and elderly are ranking in terms of the direct care they are receiving in comparison to others living in other jurisdictions. It fails to guarantee that the Liberals will invest in nursing home care, providing an additional \$6,000 in care for every resident—another promise from the last election. We know from the Ontario Association of Non-Profit Homes and Services for Seniors that this government has only raised that amount by \$2,000, a far cry and a big shortfall from the promise that you made.

Residents need hands-on care. They need a standard. It's not in this bill. The bill would be better named the No Minimum Standards for Seniors Act.

We demand public hearings on this bill.

### VISITORS

**The Speaker (Hon. Michael A. Brown):** We have with us today in the Speaker's gallery a parliamentary delegation from Gauteng Provincial Legislature in the Republic of South Africa. The delegation is the oversight committee on the Premier's office and the Legislature and is led by Samuel Johannes De Beer, chairperson of the committee.

Please join me in welcoming our guests.

### ORAL QUESTIONS

#### HOSPITAL FUNDING

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Yesterday, while you were out on your orgy of self-satisfaction tour, you were asked about the—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I need to be able to hear the Leader of the Opposition place his question.

The Leader of the Opposition.

**Mr. Tory:** When you were out on this tour, you were asked about the current emergency room crisis at the Grand River Hospital in Kitchener-Waterloo. You said you were caught off guard. According to the Toronto Star, you said you were surprised at how quickly the problem arose at Grand River.

Premier, the problems at Grand River and nearly 20 other hospitals across the province have not been a secret. In fact, as you well know, last week alone the Grand River problem was specifically raised in this House on September 25 and again on September 28.

Here's the headline of the Kitchener-Waterloo Record of September 20: "Situation Critical: Two Emergency Rooms, but Only Enough Doctors to Fully Staff One." That refers specifically, and you know it, to the problems at Grand River and St. Mary's.

As Premier, how could you possibly have been unaware of the seriousness of this situation? Why would you say that? How could you possibly have been unaware?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Let me take the opportunity to thank all involved who have worked so hard to ensure that we can keep this emergency room open. I want to thank the Minister of Health and the member John Milloy. I want to thank local doctors. I want to thank folks at St. Joe's who have worked very hard to free up their talents and bring their expertise to bear on Grand River.

I want to say as well that we've taken the step of putting the hospital in question on notice that we may very well send in a supervisor. We believe that, working together, we have the situation in hand. Now we look forward to working not just with the folks at Grand River but in other emergency rooms throughout the province, our doctors and hospital administrators, to ensure that we have long-term stability for all of our emergency rooms.

**Mr. Tory:** The people of that region and other regions across the province will thank you for your inattention to this for months on end on October 4, 2007.

The fact is, you didn't hear the cries for help from Grand River and other communities across this province, from the doctors and nurses, and from the patients who are sitting in those emergency rooms not getting care.

Here's another cry for help from Dr. John Carter of the Kitchener-Waterloo Emergency Medicine Associates quoted in today's Kitchener-Waterloo Record saying, "The reality is without more full-time physicians, we are postponing the inevitable." Yesterday you said, and I quote, "We will need to do more." That is the understatement of the century.

The temporary solution for Grand River, by your own admission, is only going to be in place until Friday. Yesterday, we asked what the plan was beyond Friday. What is the plan beyond Friday specifically? What are



you going to do about it, and when are we going to hear about it here?

**Hon. Mr. McGuinty:** I know there would be one interesting fact, as unaccustomed as my friend is to dealing with facts, but there is an important fact here. The Tories cut funding to the Grand River Hospital Corp. by \$11.5 million. So far, our government has increased funding to the same hospital by \$20 million. If there is any indication of which party is most committed to working together with Ontario hospitals, and our emergency room physicians in particular, that says one heck of a lot—\$11.5 million out; \$20 million in. I think that says a lot.

**Mr. Tory:** Perhaps we should deal with the fact that the member sitting beside me produced a new emergency room for Grand River, and you have allowed it to deteriorate into a state of chaos, with no staff and no resources to run it. Not only that, but there are 19 other hospitals in the province facing issues with their emergency rooms over the past couple of months.

The Ontario Medical Association has a list: Quinte Health Centre in Belleville; Guelph General Hospital; Kirkland and District Hospital; Leamington District Memorial Hospital, which already had a temporary shut-down of its ER this year; Hanover and District Hospital; St. Marys Memorial. These are all emergency rooms the OMA says are in your trouble on your watch. You have been the government of Ontario for three years. We don't need you being caught by surprise again. Now that you've been made aware of these additional hospitals, in addition to Grand River, suffering these crises, when are we going to have a plan from your government to deal with this issue and deal with it properly?

**Hon. Mr. McGuinty:** There is no doubt about it: We inherited quite a bit of a mess when it came to our emergency rooms. Let me just speak to two challenges in particular.

*Interjections.*

**The Speaker:** Order. I need to be able to hear the Premier, Premier?

**Hon. Mr. McGuinty:** Two specific challenges I'll address: While the NDP cut medical school spaces by 13%, and then the Tories sat on their hands, we've increased medical school spaces by 22%. We've doubled our international medical graduate spaces. We've opened our first new medical school with four more satellites coming online.

The second challenge: We don't have enough rooms in our hospitals. The NDP and the Tories, together, closed over 21 emergency rooms. The Tories, on their own, closed 28 hospitals, eliminating thousands of beds.

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We have begun rebuilding our hospitals. We have over 1,600 new hospital beds in the works. That is something that the Tories and the NDP don't support, but we are moving ahead to ensure we have sufficient rooms in our hospitals.

*Interjections.*

**The Speaker:** Order.

*Interjection.*

**The Speaker:** The Minister of Public Infrastructure Renewal will come to order. I won't warn him again.

## BOTTLE RECYCLING

**Mr. John Tory (Leader of the Opposition):** My question again is to the Premier. With all the stuff you guys have got in the works, you'd better get going on it. You're running out of time.

Today the Environmental Commissioner of Ontario released his report, called *Neglecting our Obligations*. With respect to your promise in 2003 to achieve a 60% waste diversion within five years, the Environmental Commissioner wrote that your failure to take timely action likely rendered the 60% goal "a pipe dream." Instead of taking concrete action to divert waste, you've instead expended your energy saying anything you can that you think will help you get elected.

Let's talk for a minute about the LCBO bottle return program that you rushed out the door on September 10. As you know, I've been in favour of a bottle return program for the LCBO throughout the time I've been in public life.

*Interjections.*

**Mr. Tory:** Throughout the time—it's on the record since 2003.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** And it's just Tuesday. I need you to remember that the Speaker needs to be able to hear the question and that we need to have respect for those who are asking and placing questions and those who are responding to them. It's very difficult for us to operate in the fashion we're moving along in today.

I would ask the leader, then, to place his question.

**Mr. Tory:** It's on the record. I am concerned, in the case of your plan that you rushed out on September 10, that there's a lack of detail and a lack of proper planning. So let's start with one simple question: How much is this initiative of yours going to cost? What will the cost be?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm really pleased to have the opportunity to compare and contrast the former Tory government record on the environment with ours. When it came to funding the ministry, they ripped \$102 million out; that's a 30% cut. We've increased funding by \$40 million; that's a 15% increase. The Conservative government fired one third of the staff within the ministry; we have hired, so far, 25% more drinking water inspectors. They allowed polluters to walk away; we have passed our "You spill, you pay" legislation. They wanted to dump garbage in a lake in northern Ontario. We said, "No, you can't do that."

They presided over the Walkerton disaster. I can recall when the chief medical officer of health of Ontario said, "You turned your back on public health." That is the record of that government when it comes to the environment. I'll gladly put their record up against ours any day.

**The Speaker:** Supplementary?



**Mr. Tory:** Actually, last I checked, the Environmental Commissioner, an objective officer of this Legislature, passed judgment on your record—

**The Speaker:** Order. I would remind members, especially the member for Renfrew, that you shouldn't be using props.

The Leader of the Opposition.

**Mr. Tory:** He passed judgment on this record of yours today. He called it "Neglecting our Obligations." Now there's an A plus if ever I saw one.

There was no answer, of course, nothing even approaching an answer on the cost of the LCBO problem. Let's take the \$5 million—another detail you should know—that the LCBO presently pays to the blue box program. The Minister of the Environment says this program means that all the glass will be going off to your new program, so we won't need to put the \$5 million into the blue boxes.

Now, 48% of customers don't shop at the Beer Store. A lot of them tell me, and I'm sure they've told you, that they're going to just put their bottles into the blue boxes, and yet the \$5 million won't be there anymore. So can you tell me what contingencies you have in the plan to make up for the \$5 million that the blue box program won't have anymore?

**Hon. Mr. McGuinty:** It's really hard to figure out where the leader of the official opposition is on this LCBO bottle return policy. Is he telling us that he doesn't want us to take action to ensure that 80 million bottles are no longer placed in our landfill sites?

We have in place a new policy; we are confident it's going to be effective. It is going to ensure that people pay a reasonable premium, a reasonable return, on the bottle they acquire through the LCBO, or any other container. It's returnable at the Beer Store. We think it's going to be effective.

I can tell you, Speaker, that if the leader of the official opposition is saying he thinks it's okay for 80 million bottles to go into our landfill sites, then why doesn't he just stand up and say so?

**Mr. Tory:** What I will stand up and say is that when you're making important public policy, you don't rush it out the door for a photo op; you think through the details. That's what you do.

Now, you've told us that the details don't matter; they're unimportant. The program is scheduled to begin on February 1, 2007. That's 144 days during which the LCBO will sell 237 million bottles of wine and spirits, not even counting extra Christmas sales. You've said the deposits will be in line with other provinces—let's take a number of 40 cents in other provinces. That means that come February 1, we could have \$95 million worth of bottles out there in the public's hands which they haven't paid a deposit on that they can bring back to the Beer Store after February 1. Who's going to pick up the \$95 million for bottles on which people have not paid a deposit? Have you thought that one through?

*Interjections.*

**The Speaker:** Order. I need to be able to hear the Premier.

**Hon. Mr. McGuinty:** My advice to the leader of the official opposition is that no, he should not begin to save up his bottles.

What I can say is that bottles that will be covered by this new return policy will be specially marked. They will be specially identified.

Yes, we did think that through and we thought through many other aspects of this as well. There are all kinds of reasons put forward as to why we should not do this and why we should continue to send 80 million bottles into our landfill sites. Many of those were put up today by the leader of the official opposition.

We are determined to move this policy ahead. We will do so in the interests of our environment and of the greater public in the province of Ontario.

### LONG-TERM CARE

**Mr. Howard Hampton (Kenora-Rainy River):** Premier, your no-minimum-standards-of-care-for-seniors act that you introduced today is a huge disappointment for seniors living in long-term-care homes, for caregivers and for their families.

For three years, New Democrats have been asking you, "When are you going to establish your promised minimum standard of hands-on care for seniors living in long-term-care homes so that they will have the support and care that they need to live in dignity?"

In case you forgot, Premier, this is what you promised: to "ensure long-term-care residents get more personal care, including a minimum 2.25 hours of daily nursing care."

My question is, why have you broken your promise to seniors? Where's the minimum standard of daily nursing care that Dalton McGuinty promised?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I'm so pleased that we had the privilege today of bringing in a piece of legislation that builds on the work my colleague Monique Smith has done, not on behalf of our government but to the benefit of the patients in the province of Ontario.

The one having the yak attack over there would know that already we've invested an additional \$750 million in long-term care that has afforded us the opportunity to employ 3,140 additional people on the front line.

The honourable member asked questions about care, and he looks inside a piece of legislation. But the reality is that those are resource allocations that we have already worked to bring to the front lines of the long-term-care sector. In addition, building a very strong compliance system ensures that, in the circumstance where care is challenging, where there's any evidence of neglect, people are obligated to inform about it so the compliance regime can take effect. This bill asks us all to work together to create a sense of community in these homes,



and we're very, very proud to bring it forward to the people of Ontario.

**Mr. Hampton:** Premier, the promise was specific, and it was in the Premier's own words. Today, when you look at this much ballyhooed piece of legislation, it's not there. But the Premier also promised an additional \$6,000 in care for every resident. In three years, you've provided seniors with less than a third of that amount, and today your no-minimum-standards-of-care-for-seniors act does nothing to make up the difference.

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Gordon Holnbeck lives in Peterborough. He's 90 years old. His copayment fees are going up \$400 a year under the McGuinty government. But because of the McGuinty government's broken promises, he's still only getting \$5.46 a day for food—half of what an inmate in a provincial jail receives. Mr. Holnbeck says, "Fruit is pretty well out of it. The odd time we get half of a banana."

Premier, Ontario's seniors deserve better. Why are you breaking your funding promises while seniors go without healthy food in our long-term-care homes?

**Hon. Mr. Smitherman:** Let me take this opportunity to correct at least one part of the record for the honourable member. We do know that in the NDP days, when they increased rates related to food, at one time they moved forward and increased the rates for inmates but not for long-term-care residents. But this has been misstated for a long time. The cost related to inmates is an all-in cost, which includes labour. The cost related to our long-term-care residents has been about raw food alone.

I'm pleased to tell the honourable member that \$11.43 a day for an inmate compares not so favourably to the \$18.10 a day that we're contributing to food in long-term care. The reality is that the honourable member likes to do apples-to-oranges comparisons, but when we look at the apples, we know that our long-term-care residents deserve and are getting the higher-quality apples for sure.

**Mr. Hampton:** Long-term-care homes receive a food allowance of \$5.46 a day, and no matter how the McGuinty government tries to explain it away, that's the reality.

But here's another promise by the Premier, one that the Premier made to Ontario's veterans. Premier, you promised the Royal Canadian Legion veterans, who fought for our country, that you would bring in an ombudsman for long-term care: an independent, third-party advocate to stand up for seniors living in long-term-care homes. We look at your no-minimum-standards-of-care-for-seniors act today, and what do we find? No ombudsman for long-term care, no independent place where seniors and their families can appeal to when there's a problem in terms of a long-term-care home.

Premier, you said our seniors deserve better. When are you going to keep the promise that you made to our veterans, to our grandparents and our parents to bring in an ombudsman for long-term—

**The Speaker (Hon. Michael A. Brown):** The question's been asked. The Minister of Health and Long-Term Care.

**Hon. Mr. Smitherman:** I note that the honourable member didn't like the answer to the earlier question, so let me give him a bit more information about that. Based on the financial returns of long-term care—

*Interjection.*

**Hon. Mr. Smitherman:** Oh, I'll get to that too.

Based on the overall food spending, which takes into consideration the combination of raw food costs, dietary services, meal preparation, menu planning to meet specific medical requirements and the delivery of food to residents, the total cost is \$18.10 per day, per resident. This compares quite favourably to \$11.43 per day for each inmate. We've worked hard to enhance the quality of meals. We've made sure that as we go forward, each year there will be built-in increases to the raw food contribution, and as I made the point, there are of course other costs associated with that.

I'll look forward to more debate with the honourable member as we move forward on other points.

## EDUCATION FUNDING

**Mr. Howard Hampton (Kenora-Rainy River):** My question is to the Premier. You have broken your election promise to overhaul a flawed school funding formula that was forcing classroom cuts, and you've broken your promise to create a standing committee on education to fix the school funding formula. As a result, there is a classroom funding crisis in schools across Dufferin-Peel, where local trustees, parents and students are united in their opposition to classroom cuts.

Premier, today, as you're about to strip power from elected school trustees in order to force your classroom cuts, parents want to know: What happened to Dalton McGuinty's school funding promises?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm pleased to say that we've been working very closely with the Dufferin-Peel Catholic District School Board to help balance their budget.

At the province-wide level, as you will know, we've invested \$2.7 billion more into public education. Under the previous Conservative government, they took \$200 million out during their first three years; in our first three years, we've put \$2.7 billion in.

At this particular board, per pupil funding has gone up by 18%. When it comes to class sizes, half of the early years classes are now capped at 20. We put in place funding for 137 new teachers for smaller classes, 64 additional elementary teachers and 74 new secondary school teachers. Test scores have gone up by over 10% across the board, and we've put in place almost \$60 million for investment in projects to make repairs to schools.

So, yes, we've been putting a lot more money into public education, and we've brought a lot of goodwill to the table, and we'll continue to work with that particular board.

**Mr. Hampton:** The reality, Premier, is that school trustees and federation leaders all say that what your



government has done, more than anything else, is move money out of one funding envelope and into another funding envelope, but at the end of the day, there still isn't the funding that you promised.

The reality is that in 2003, you promised anything and everything to win votes. Now you're breaking those promises to our kids and talking about taking over school boards and forcing cuts in the classroom. You know what, Premier? It's like listening to Mike Harris and Ernie Eves all over again.

Premier, parents, students and trustees in the Dufferin-Peel Catholic District School Board refuse to cut \$2 million from the reading recovery program—something which helps struggling grade 1 students learn how to read. These parents and trustees ask you this question: How is Dalton McGuinty's order to cut \$2 million from reading recovery going to help their children learn to read?

**Hon. Mr. McGuinty:** The leader of the NDP remains mistaken in a number of areas, but just to correct his record once again, under the first three years of the previous government, they took \$200 million out of public education. On our watch, during our first three years, we put \$2.7 billion more into public education.

Again, we've increased per pupil funding by 18% in this board, while, on the other hand, the student population there has only gone up by some 3%. It's gone up 18% in terms of funding, but student population only by 3%.

On behalf of the good people of Ontario, we have been very privileged, in a most demonstrable, concrete and real way, to invest in public education with a tremendous amount of money. We place a corresponding responsibility on the shoulders of our trustees and school board administrators as well, to make sure they're spending that money in the best possible way.

**Mr. Hampton:** We know you're famous for wanting to have it both ways, but you can't. You admit that the school funding formula is flawed and inadequate, but then you order underfunded schools to live with it. You promise to respect democratically elected trustees, but then you order them to make your damaging cuts to our children's education.

Premier, parents, students and trustees won't slash reading recovery as you ordered. They want to help struggling grade 1 students learn to read. So the question is this, Premier: Are you going to override that democratically elected school board to make your cuts, or are you finally going to keep your promise and fix the school funding formula, which you admit is flawed and inadequate?

**Hon. Mr. McGuinty:** Only the NDP could possibly argue that a net increase of \$2.7 billion into public education was grossly inadequate. Only the NDP could possibly argue that although student population has gone up by 3% and we've funded an increase of 18%, that funding increase was grossly inadequate.

We think that we are doing our share on behalf of the people of Ontario, not only making additional invest-

ments in education, but in health care and in infrastructure as well, to ensure we can grow this economy. We will continue to work with all of our boards, not just the 68 out of the 72 who have already balanced their budgets but those who are finding some challenges. We will continue to work with them.

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## HOSPITAL FUNDING

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. I want to go back to the emergency room issue. Premier, yesterday, we finally got a chance to see this report which we've been asking to see for a week on emergency rooms and which the minister has been sitting on for weeks. It makes a series of recommendations for a system-wide fix for the emergency room crisis we have across the province of Ontario.

The first recommendation in the report is that ER wait times be measured and benchmarks set for the maximum length of stay in an ER. This is the same recommendation that was made in the Schwartz report, which has been gathering dust with your Minister of Health since last September 16. The Schwartz report said that this should become something on your list of priorities. That's the message echoed by the emergency room doctors when they came here to visit you to tell you about this crisis last November.

My question is this: Will you demonstrate a real, genuine commitment, for once, to resolving this issue by announcing that ER wait times are going to become, in fact, a priority for your government? Will you do it?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** It's good to know that the leader of the official opposition is now, for the very first time, embracing the concept of wait times, something we introduced to the people of Ontario. It's good to know he's finally bought into our agenda.

That report confirms something we've known for a long, long time: that we, the people of Ontario, have had foisted upon us a terrible shortage of hospital beds because of serious cuts made by that government. They shut down 28 hospitals, eliminating thousands of beds. We've begun rebuilding our hospitals. Those are, on average, some 43 years old. We have over 1,600 new hospital beds in the works. I would ask the leader of the official opposition to support us in that work as we do everything we can to repair the damage that was left to us by that government.

**Mr. Tory:** I'd support you if you actually did anything; everything's in the works. Anyway, whether—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. The Minister of Health will come to order.

The Leader of the Opposition.

**Mr. Tory:** You could act on this today and it could almost immediately help to alleviate it.

Here's another idea: The Ontario College of Physicians and Surgeons currently has a pilot project in place



that is set to come to an end on December 31, 2006. It allows residents to apply for restricted certificates but requires the sign-off of medical school deans. As of May 15, 2006, no dean has agreed to participate.

Here's a request that might help—and it was told to me at Grand River that it would help—in the supply of personnel. Will you commit today to bringing together the college council, the medical school deans and the hospitals to at least permit some of these residents to be deployed in helping with the emergency room crisis that has been created on your watch while you have been governing for the past three years? Would you bring them together and try and use that as partly an answer to this?

**Hon. Mr. McGuinty:** I can tell you that we're giving that matter very careful consideration, but more than that, we're bringing real leadership to this.

There are also a few other things in that same report that are worthy of our public consideration. The report also said that there has been, until now, a lack of community integration. I can note that the NDP and the Tories did nothing to make sure we had a true system with local health care providers working together. As you know, we have brought into place our local health integration networks, which Mr. Tory and his party of course voted against.

As well, the report noted the importance of making investments in community health care. The Tories never added money to community health care. In fact, they cut people off of home care. On our watch, we brought home care to 71,000 more people, we have 49 new community health centres and 150 new family health teams, we are rebuilding public health, and we've made the first investments in community mental health in a decade. Together we are undoing the damage of the last 13 years that happened on this watch and on that watch. We are investing in medicare.

## WASTE DIVERSION

**Mr. Peter Tabuns (Toronto-Danforth):** My question is for the Premier. Premier, the Environmental Commissioner's report, *Neglecting Our Obligations*—I'm sure you've seen it—confirms what we've known for many months, and that's that your government has no plan to meet the promise you made of 60% waste diversion from landfill.

The Environmental Commissioner emphasized that a waste diversion strategy for all waste is urgently required and, with every passing day, more undiverted waste, more organic waste is going to landfill. When will you keep your promise? When will you introduce a fully funded plan for waste diversion?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of the Environment.

**Hon. Laurel C. Broten (Minister of the Environment):** I'm pleased to have a chance to comment on the

Environmental Commissioner's report today and speak specifically about the steps that our government is taking with respect to waste diversion.

A 60% target is, no doubt, a difficult stretch target. We are giving municipalities the tools that they need each and every day to meet that target, and many of them will meet that target. We're three years into that program, and we remain committed to working with those sectors to meet their obligations. By providing funding for the blue box program, by the LCBO return program, by the household hazardous waste and electronics programs—all of those initiatives will help municipalities get there. We're cracking down on the ICI sector, which is dragging those diversion rates down. It's a work in progress, and we will do more because we are committed to seeing increased diversion.

**Mr. Tabuns:** The Environmental Commissioner's report not only confirms that the McGuinty Liberals have no plans to meet their waste diversion promises—and you've just confirmed that—but they also have no plan or strategy for dealing with adaptation to climate change. We already know that the McGuinty Liberals do not have a climate change plan.

Minister, you will recall, last month in estimates, I asked if you thought climate change was one of the most important environmental crises facing the world. Your response was an unqualified "Absolutely." Will you immediately introduce and fund a climate change plan for Ontario to reduce greenhouse gas emissions and a plan to deal with adaptation to climate change, as outlined by the Environmental Commissioner?

**Hon. Ms. Broten:** My friends across the House are caught in an old way of thinking, where we only tackle environmental issues in the Ministry of the Environment. I'm part of a government where every ministry is working on those files. The Minister of Natural Resources, the Minister of Energy, the Minister of Transportation: All of us collectively are making significant investments that are reducing greenhouse gases in this province.

Getting ethanol, getting cleaner sources of electricity, energy conservation, creating a greenbelt: All of those initiatives are part and parcel of the steps that we need to collectively take, as a society, to tackle a critical environmental issue. No doubt about it: There's more to do. We continue to build our efforts in that regard and work for the next generation, to deliver them what we've promised them—a clean, healthy, sustainable future.

## LAVAL BRIDGE COLLAPSE

### EFFONDREMENT DU VIADUC À LAVAL

**Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell):** My question is to the Minister of Transportation. I want to raise the issue of the tragedy this past weekend in Laval. I know that each member in this House would join with me to express our sorrow and sympathy to our neighbours in Laval.



Oui, c'est au nom de tous les membres de cette assemblée que je veux offrir mes sincères sympathies aux familles éprouvées.

In times like this, with the collapse of an overpass on Highway 19 in Laval, Quebec, and other tragedies in other countries, Canadians come together to assist. Minister, can you tell us just what our government is doing to assist our neighbours in dealing with this crisis?

**Hon. Donna H. Cansfield (Minister of Transportation):** I'd like to thank the member for the question. I would also like to extend my thoughts and prayers to the families for this tragedy.

The first thing that occurred was that we were in touch with the ministry. The Premier called the Premier of Quebec, Premier Charest. We were in touch with both the minister and ministry staff and we have offered our assistance. What we will be doing is sending a GO train to Quebec to help them. It's one locomotive and a number of cars. It will move about 1,400 people every day, and they will have this until they no longer have need of it.

What we will also do is continue to assist in any way we can with expertise from our ministry. We will also be sending some folks from both GO and the ministry on the train, and CN will be participating in terms of the movement of that train through to Quebec. So we are working with Quebec in any way we can to ensure that we can help them during this very difficult time.

1510

**The Speaker (Hon. Michael A. Brown):** Supplementary? The member for Mississauga East.

**Mr. Peter Fonseca (Mississauga East):** Let me join my colleague and offer my personal condolences to our neighbours in Laval.

I am pleased to hear that we have taken these steps to assist those who have been affected. However, this incident has caused all of us here who travel on our highway system to wonder just how safe the highways are here in Ontario, with our wide system and the many bridges that we have. Minister, can you tell us just what we are doing here to ensure the safety of Ontarians and to reassure my constituents as we travel on these highways to get to work, to get home, that this type of incident won't happen here in our great province of Ontario?

**Hon. Mrs. Cansfield:** It is important to reassure. I can tell you that we have about 28,000 bridges provincially and 13,000 bridges and large culverts municipally. Our bridges are visually inspected annually; they are then re-inspected every other year by professional engineers. So the professional engineers out of the Ministry of Transportation inspect visually and then also do an additional inspection every two years, which is also required municipally.

In addition to that, we do inspection that would core into the bridges. It's called destructive looking at the bridge in terms of actually coring into the concrete. They then also will do magnetic, for example, or they'll do ultrasound, to ensure that the bridges are safe.

In the case of steel bridges, they do actual fatigue stress. This is done on a regular basis.

One of the most important things to note is that we have, without a doubt, one of the finest sets of bridges in this province. But more importantly, we are reinvesting over \$400 million from Move Ontario alone municipally—

**The Speaker:** Thank you. New question.

## BOTTLE RECYCLING

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** My question is to the Minister of the Environment. Minister, today the Environmental Commissioner released a rather scathing report on your government's record on the environment. It's entitled *Neglecting our Obligations*. It sounds a lot like "breaking your promises" to me.

Interestingly enough, there was no information in this report regarding the LCBO. The Environmental Commissioner himself is on record as saying that, "Prescribing the LCBO under the EBR would increase transparency and accountability of their decision-making." This would allow the public to respond with a request for review of your policy decisions, such as the proposed LCBO recycling program with the Beer Store.

Minister, are you willing to stand today and say you will encourage the Premier and the rest of your cabinet colleagues to ensure that the LCBO will be included under the Environmental Bill of Rights?

**Hon. Laurel C. Broten (Minister of the Environment):** I'm pleased to have a chance to talk about what we are doing with respect to the environment, and what we are doing to increase diversion across the province.

We talk about the blue box program and the diversion of bottles. I can tell you, at the Ministry of the Environment, we're working hard to turn the corner from the sad state of affairs that existed in this province under your former government. As the Environmental Commissioner himself also said today, the law was not in force. Regulations 102 and 103 have been in place since 1994. The ICI sector has dismal rates of diversion, and that is because there was an understanding under your government that those rules would not be enforced.

Our government does not pick and choose what rules we enforce. We're enforcing the rules. We've commenced an inspection blitz and we will see increased rates of diversion in the province because that, along with the blue box program and the bottle return, are all steps and initiatives to make sure that we—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Ms. Scott:** Minister, I was asking for results. You refused to answer questions on the cost and implications of the proposed LCBO recycling plan when we were in estimates last month, saying that it was a government decision, not a decision of your ministry, and that it falls under various ministries other than your own.

Minister, after today's scathing review of your ministry, your failed promise of diverting 60% of Ontario's waste, which just adds to the three years of broken promises, and your own member's lack of representation



on the Green Lane landfill situation, don't you think that at the very least you should tell the hardworking people of Ontario what your LCBO-to-the-Beer-Store proposal is going to cost them? It's only the right thing to do.

**Hon. Ms. Broten:** We've said to Ontarians that we are investing in the Ministry of the Environment, unlike your government, which decimated the ministry, which indicated that the Ministry of the Environment was not an important ministry. Our government has turned the page.

I guess you're against the bottle return plan. Our goal is to provide municipalities with the tools they have asked for, such as a bottle return program, to assist them in diverting waste from landfills. We will always need landfills, there's no doubt about it, but let's collectively provide municipalities and the ICI sector with the tools they need. Ontarians are calling for increased diversion. Your party needs to get with the program, and get with the rest of Ontarians who want to divert waste from landfills.

#### HOSPITAL FUNDING

**Ms. Shelley Martel (Nickel Belt):** I have a question for the Premier. This past weekend, in a last-minute scramble, your government narrowly avoided the closure of an ER in Kitchener. This past summer, in a similar scramble at the last minute, at the start of a long weekend, staff in the Ministry of Health's office had to phone doctors to get them to staff the ER in St. Marys.

Throughout the summer, the OMA identified 19 hospitals across the province where ERs were at risk of closing or where there were not enough staff to guarantee emergency care. These crises in ERs are not going away.

Where is your government's comprehensive plan to deal with these crises, instead of having to resort to last-minute scrambles to keep ERs open?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health, Speaker.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I would like to say, on behalf of the patients of the province, that if it requires a last-minute scramble to lend assistance, then we will.

The circumstances, as the honourable member will know, are made very complex by the overall shortages that we have related to doctors. And we have well established in previous debate that her DNA is well associated with that problem. The comprehensive strategy that she speaks about can be found in enhanced compensation for emergency room physicians, dramatic increases to the range of community resources that are available, and the efforts that are under way to enhance physician supply in Ontario: to date, 750 additional foreign-trained doctors deployed in communities across Ontario, and a 23% increase in the size of our medical schools. We will continue to work on behalf of Ontario's patients to address these long-standing challenges, and we'll do so in a fashion that helps to make them a thing of the past.

**Ms. Martel:** A supplementary to the Premier: Whatever strategy you claim to have in place, it's clear that it's not working. That was clear with the last-minute scramble in Kitchener this weekend.

Premier, the Manitoba government was proactive in developing a strategy to ensure that ERs would not close this summer. At the beginning of June, the government announced a four-point plan to prevent the closure of its ERs and to address staffing problems in ERs, both in the medium term and the long term. Manitoba's strategies worked. The ERs were kept open. In fact, the government has now decided to extend its program until March 2007. And its working group, which includes ER physicians, is due to report in November with respect to recommendations to change the work environment in their ERs.

We've urged you to look at the Manitoba model. You have refused. If you don't want to look at Manitoba's strategy, where is your comprehensive plan to ensure that ERs in the 19 hospitals that are at risk are going to stay open?

**Hon. Mr. Smitherman:** Obviously, the honourable member's only plan can be found on the palms of her hands, and they were awfully warm, because she spent her whole time in government sitting on them. The reality is that she sat there, she sat idly by, while they made a decision to shrink the size of medical schools. At least one of them had the good conscience to go screaming out of the parking lot, squealing their tires as they went, when the public policy debate didn't go their way. And it's enough of the honourable member's pretending her way through these things. She wants the Manitoba solution. She wants to top up the compensation of doctors while her partner there, her seatmate, when we brought forward a resolution with doctors through a negotiated agreement, said that we were bribing them. So the policy incoherence offered by that party continues.

The Manitoba solution was Hamilton's solution, which was to move forward with top-ups. We are working on a comprehensive plan that at the heart of it builds community capacity, replaces beds that they closed, and works hard to make up for the doctor shortages that these two parties—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. New question.

#### ARTS AND CULTURAL FUNDING

**Ms. Judy Marsales (Hamilton West):** My question is for the Minister of Culture. Last week we learned that the Conservative government in Ottawa is cutting funding to its museums assistance program by 50%. Hamilton hosts several museums, and I am concerned about the impact of this change at a time when Hamilton can least manage it. Hamilton boasts several wonderful points of interest—the Canadian Football Hall of Fame and Dundurn Castle, just to name two.

Minister, can you please tell me how these federal cuts will impact museums in Hamilton and, by extension, in the province of Ontario?



1520

**Hon. Caroline Di Cocco (Minister of Culture):** I thank the member from Hamilton West for the question. Last week, I hosted the culture ministers from across Canada at the federal-provincial-territorial meeting, and all the provincial ministers conveyed their concern about these cuts. In my conversation with the federal minister, Bev Oda, I conveyed in no uncertain terms my disappointment and grave concerns over these cuts. I also asked the minister to convey to the federal Minister of Finance that, of their \$13.2-billion surplus, approximately \$5.3 billion comes from the people of Ontario. I was disturbed to hear the news, and it means that about \$1.4 million less will come to the province of Ontario—to the museums.

On the other hand, this government, under the leadership of Premier Dalton McGuinty, continues to fund 180 museums through our community museums operating grant and through Ontario Trillium grants. I continue to impress upon the federal government that they must meet their—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister.

Supplementary?

**Ms. Marsales:** I'm familiar with this grant program, and in fact I believe that Dundurn National Historic Site in my riding received almost \$60,000 this year in provincial funding. But I'm still concerned about other federal cuts. Can you tell me what they involve and assure the people of Hamilton West that the Ontario government has a different view of culture and the value of heritage and culture?

**Hon. Ms. Di Cocco:** Again, thank you for that supplementary question. Not only did Stephen Harper cut museum grants by half, but other cuts have been made: the termination of a commercial heritage properties incentive fund, which protected heritage buildings; elimination of the goods and services tax rebate for tourists; and elimination of support to the Canadian Volunteerism Initiative, considering that thousands of volunteers are those who support our museums.

We are bringing Ontarians into museums and building pride in our heritage through Doors Open Ontario, a program designed to open historical sites to the public for free, organized by Ontario Heritage Trust. Unlike the actions of the federal government, we have spent more than 38% more in the Ministry of Culture in 2005-06, for a total of \$475 million to culture.

#### GREATER TORONTO TRANSPORTATION AUTHORITY

**Mr. John O'Toole (Durham):** My question is to the Minister of Transportation. Last April, with great fanfare, you introduced the Greater Toronto Transportation Authority. Even at that time, that announcement was three years overdue. It had been announced and re-announced in three successive budgets. Your government promised, but again, they didn't deliver.

Bill 104 established the Greater Toronto Transportation Authority, and the John Tory government supported that initiative. Recently, Glen Grunwald, president and CEO of the Toronto Board of Trade, was quoted in the Toronto Star as saying, "Our hopes rest with the new Greater Toronto Transportation Authority..." He went on to say, "With no board of directors named, no CEO appointed and no money in sight, that road ahead" looks "pretty ... rocky" indeed.

Minister, what has taken so long to get this agency up and running, or is this simply another McGuinty election promise that's been broken?

**Hon. Donna H. Cansfield (Minister of Transportation):** I thank the member for the question. The Greater Toronto Transportation Authority is something we're very proud of. As a matter of fact, both the chair and the vice-chair will be announced shortly. As the member knows, everyone in the region from Hamilton to Durham will have an opportunity to participate in the board, but they can either be elected or non-elected, and they come from those municipalities or regions. Given the fact that there is the November election, it makes a great deal of sense for those folks to be appointed after the election, and so we have asked them to do that. They then will be available for January, and that board will be up and going, sir.

**Mr. O'Toole:** Another strategic delay, I would say.

A further announcement during the election was dealing with gridlock. All Ontarians know that your government would say anything to get elected; we know that. The reality is that in the GTA—there was a study a couple of weeks ago—the average commuter from my region spends about two hours a day commuting to Toronto. That's 400 hours a year, about 16 days out of their lives. The problem is not just gridlock; it's gridlock in your government, because you simply have no plan.

Last April, your government's own news release claimed that the GTTA would be operating in September. It's October. Now you've delayed it till after the November elections, and then it'll be Christmas. These are simply delays for political purposes. Why don't you tell the people the truth for a change, that you simply have no plan for the GTTA or for gridlock for the people of Ontario?

**Hon. Mrs. Cansfield:** I welcome and acknowledge the fact that we did make a very strategic decision to delay who would participate on that board until after the election. You're correct: It makes a great deal of sense to do that, and I thank you for that support. As a matter of fact, that board will be up and going, and it will have to deal with the gridlock that is here.

It was interesting, when I travelled across the province this summer. There is no question in my mind that if I thought there was neglect in the energy field when I was there, neglect and total underinvestment in our infrastructure by the previous government is virtually abhorrent. That's why we've put in \$5.6 billion over the next five years—all you have to do is go on the website, and you'll see exactly where that investment will occur—



in addition to a one-time \$1.4-billion investment, \$400 million of which goes to roads and bridges municipally. So although you may not choose to look at that as a plan, I can assure you that it is a plan. All you have to do is go on [www.mto.gov.on.ca](http://www.mto.gov.on.ca), and you can look—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

#### WINDSOR RACEWAY

**Mr. Michael Prue (Beaches—East York):** My question is to the Minister of Economic Development and Trade. Working families in Windsor are furious that they are losing their racetrack, their slots, and possibly a proposed new rink for the Spitfires, an OHL franchise. This is a devastating blow that will cost your community an important industry and hundreds of good jobs. Slots run by the Ontario Lottery and Gaming Corp. can't just pick up and move without government's knowledge. My question is simple: When did you and your McGuinty government colleagues first learn of the OLG move?

**Hon. Sandra Pupatello (Minister of Economic Development and Trade, minister responsible for women's issues):** I appreciate, once again, the opportunity to clarify the position that the provincial government has when a private company is dealing with a municipality, as is the case with the Windsor Raceway, the town of Tecumseh or the city of Windsor. It is a private relationship between those two parties.

Let me say this: When the last government introduced slots to raceways, they did so to support the horsemen and the horseracing industry. The horsemen who are participating, wherever that Windsor Raceway may be, whether it's 20 kilometres at one end of Essex county or the other, are the same: They're at that same raceway, and the slots are there to support those horsemen. The lion's share of that funding for slots, in fact, goes to the purse that is used in those raceways. But this member opposite must understand that this is a private deal between a private company and a municipality.

**Mr. Prue:** My question was a simple one: When did you and your government first learn of this? You're not going to tell us.

The residents are stunned by your government's plans to pull the racetrack and the slots out of Windsor. This backroom deal will cost your city \$3 million in lost revenues.

I can only quote what the Windsor Star had to say about you today. A Windsor Star columnist said today, and I quote verbatim, "Where the hell are Dwight Duncan and Sandra Pupatello on this file? Why are they running for cover instead of fighting tooth and nail to preserve this city's slots revenue? Are they knuckling under because the Premier, who's being feted at a \$1,000-a-plate fundraiser here next month, has more pressing priorities?"

Minister, what are you going to do to keep Windsor from losing \$3 million—

**The Speaker (Hon. Michael A. Brown):** The question's been asked. Minister?

**Hon. Ms. Pupatello:** I appreciate the opportunity once again to tell the people of Windsor and the people of Essex county that 90% of all of that slot revenue benefits the people of Essex county. That additional perhaps 10% is actually \$2.4 million that did sit with the municipality to host the raceway. The lion's share of that money is staying in the same county. All of the horsemen are still there, the people riding the horses and those horses are the same, and they are very happy with the recent happenings with Windsor Raceway.

1530

Let me say this to the people of Windsor: If they think for one moment that there has been an historic government in this province that has done more for Windsor, there simply has not. Since we have become a government, in these short three years alone we have seen the advent of a medical school for Essex county; we saw the expansion of Valiant Machine just last week; we are looking at saving the Nemark plant—that was last year; we've looked at the DaimlerChrysler expansion, which holds our paint shop for Windsor. These are very important initiatives.

As I mentioned to you yesterday, since we have become—

**The Speaker:** Thank you, Minister. New question.

#### AMATEUR SPORT

**Mr. Phil McNeely (Ottawa—Orléans):** My question is for the Minister of Health Promotion.

**The Speaker (Hon. Michael A. Brown):** Order. I cannot hear the member for Ottawa—Orléans. Perhaps his colleagues would stop heckling. The member for Ottawa—Orléans.

**Mr. McNeely:** Thank you, Speaker. My question is for the Minister of Health Promotion. Last winter our government launched the Quest for Gold lottery, which offered Ontarians a voluntary way to help out young high-performance athletes.

In my riding of Ottawa—Orléans, athletes have benefited from the funds, which enable them to cover the many costs associated with performing at a very high level. Quest for Gold funding helps athletes attend national and international competitions by encouraging them to stay in Ontario to live and train.

Minister, this summer you launched a new round of this innovative lottery. Can you please provide me with the details of round two so I can communicate them to the athletes in my riding?

**Hon. Jim Watson (Minister of Health Promotion):** I want to thank the honourable member from Ottawa—Orléans, who's a great supporter of amateur sport.

I was pleased to be in Ottawa at the commencement of the Ontario Summer Games to launch phase two of the Quest for Gold program. I'm also very pleased to recognize that in the first round, \$2.9 million in funding went directly to amateur athletes in sports in this province and, in fact, 892 athletes received cheques prior to March 31 to support them in their quest for gold.



I'm proud to be a part of this government under the leadership of Premier McGuinty, who has not turned his back, and we have not turned our backs, on amateur athletes. The previous government, to set the record straight, cut 42% of the funding to provincial sport organizations, for a grand total of \$3.3 million.

**Mr. McNeely:** Minister, odds like that make supporting our athletes a winning choice. We've gone over how this will benefit athletes directly, but how will this lottery increase their access to training and competitive opportunities, both of which are vital to high levels of performance?

Having adequate training facilities is also essential to growing the next generation of Olympic and Paralympic gold medalists. Velodromes, Olympic-sized swimming pools and speed skating tracks are desperately needed. Even standard arenas in my riding are in desperate need of repair and renovations. Minister, I know you met last week with the provincial and territorial sports ministers. Was any progress made on sports infrastructure?

**Hon. Mr. Watson:** I just wanted to point out the sad record of the previous government. Our government has increased by 134% the funding to amateur athletes in Ontario.

We had a federal-provincial—FPT—meeting, but the “F” didn't show up; the federal minister failed to show up. Prime Minister Harper has such a tight leash on his ministers from Ontario that they're not standing up for Ontario. They're not doing their job; they're not coming to meet with provincial counterparts.

We set out a very realistic plan to talk about sport and recreation infrastructure. Eighty per cent of the single-pad arenas in the province of Ontario are 25 years or older; 13% of them are 50 years or older.

We recognize that this government has put money into infrastructure for sport and recreation and community activities in Ontario. We're very proud of the track record—

**The Speaker:** Thank you.

#### PROCLAMATION OF BILL 86

**Mr. Robert W. Runciman (Leeds–Grenville):** I have a question for the Attorney General. Minister, I'm sure you're familiar with Bill 86, a powerful tool to protect children from sexual exploitation. That bill was passed in 2002, brought in by former Attorney General David Young.

In the run-up to the election of 2003, your seatmate, the member from Sudbury, was quoted as saying, “The failure to proclaim the act after 10 months since passage was shameful, cynical politicking, and it's vulnerable kids who are paying the price.” That member has been sitting beside you for three years. You've been in government for three years. Would you suggest, Minister, that your seatmate was engaged in shameful, cynical politicking? If not, why have you not proclaimed this legislation?

**Hon. Michael Bryant (Attorney General):** I know that my seatmate would like to answer this question, but

you've directed it to me. I will say more on this to come, other than saying that the member was right then and he's certainly right now to say that it was absolutely shameful that the previous government would have brought forward this bill, had the bill passed and not have it proclaimed. It's really as simple as that.

#### NOTICE OF DISSATISFACTION

**The Speaker (Hon. Michael A. Brown):** Pursuant to standing order 37(a), on Thursday the member for Timmins–James Bay gave notice of his dissatisfaction with the answer to his question given by the Minister of Education concerning French-language schools. This matter will be debated at 6 o'clock today.

#### ANSWERS TO WRITTEN QUESTIONS

**Mr. Robert W. Runciman (Leeds–Grenville):** On a point of order, Mr. Speaker: On Thursday of last week, we asked about two outstanding questions on the order paper whose answers are overdue. We thus far have received the answer to only one question, 183, standing in the name of the member for Simcoe–Grey. That remains—pardon me—outstanding.

As you know, standing order 97(d) requires the minister to respond within 24 sitting days, and that deadline has long come and gone.

**The Speaker (Hon. Michael A. Brown):** I'd like to remind the minister responsible that you are required, under standing order 97(d), to provide answers to written questions within 24 sitting days, that the response is now overdue, and I would ask that the minister give some indication as to when the answer is forthcoming.

Perhaps the government House leader could respond on behalf of the Premier.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** We will endeavour to get the question answered as quickly as possible. I used to sit in the opposition and ask the same questions of the government, so I'm sympathetic to the opposition asking that question.

#### PETITIONS

##### DOCTOR SHORTAGE

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** I have a petition here that many people across Ontario are concerned about, but this one is with over 1,000 signatures from around the area in Hanover. It's to the Legislative Assembly of Ontario:

“Whereas there has been a lack of action on the acute doctor shortage for rural Ontario, particularly in Grey-Bruce, and many do not have a family doctor, and specialists are leaving the area;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: asking for initiatives and timelines to deal with this current problem, financial incentives and support for family health networks."

I've also signed this.

#### CAFETERIA FOOD GUIDELINES

**Mr. Jeff Leal (Peterborough):** I have a petition today in support of healthy food education.

"Whereas childhood obesity rates have tripled over the past two decades in Canada, causing many other serious health problems, including diabetes, heart diseases, cancer and hypertension; and

"Whereas the increase in childhood obesity rates has been greatly affected by the increased amount of commercialized funding to the Ontario school boards; and

"Whereas some corporations who give funds to schools have no interest in the health of today's youth and cannot be held accountable for the increased obesity rates and other health problems; and

"Whereas students between the ages of 14 and 18 are responsible for making their own food choices; and

"Whereas the Ontario food premises regulation only provides safety policies that must be followed by the cafeterias of Ontario school boards but does not define regulations regarding the nutritional standards of the food being served;

"Be it therefore resolved that the government of Ontario, through the Ministry of Education, support Ontario school boards to educate students more thoroughly and systematically about making healthy food choices according to Canada's Food Guide to Healthy Eating."

I'll affix my signature to this petition.

1540

#### LONG-TERM CARE

**Mr. John O'Toole (Durham):** It's the proper day to introduce a petition on long-term care, as the minister introduced this legislation today. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-

term care in Ontario, petition the Legislative Assembly of Ontario"—and George Smitherman, under the Dalton McGuinty government—"to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I'm pleased to support this on behalf of constituents of the riding of Durham and present it to Breanna.

#### CHILD PROTECTION

**Ms. Andrea Horwath (Hamilton East):** I'm pleased to present this petition from a number of people in my community and, in fact, from all over the province. It's to the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Whereas Ontario is one of the few provinces that does not have independent oversight of child welfare administration; and

"Whereas eight provinces now have independent oversight of child welfare issues, including child protection; and

"Whereas all provincial Ombudsmen first identified child protection as a priority issue in 1986 and still Ontario does not allow the Ombudsman to investigate people's complaints about children's aid societies' decisions; and

"Whereas people wronged by CAS decisions concerning placement, access, custody or care are not allowed to appeal those decisions to the Ontario Ombudsman's office;

"Therefore, be it resolved that we support the Ombudsman having the power to probe decisions and investigate complaints concerning the province's children's aid societies (CAS)."

I support this petition. I've signed it and will send it down to the table by way of Dominic, the page.

#### CAFETERIA FOOD GUIDELINES

**Mr. David Zimmer (Willowdale):** I have a petition entitled Support Healthy Food Education.

"To the Legislative Assembly of Ontario:

"Whereas childhood obesity rates have tripled over the past two decades in Canada, causing many other serious health problems, including diabetes, heart disease, cancer and hypertension; and

"Whereas the increase in childhood obesity rates has been greatly affected by the increased amount of commercialized funding to the Ontario school boards; and

"Whereas some corporations who give funds to schools have no interest in the health of today's youth and cannot be held accountable for the increased obesity rates and other health problems; and

"Whereas students between the ages of 14 and 18 are responsible for making their own food choices; and



"Whereas the Ontario food premises regulation only provides safety policies that must be followed by cafeterias of Ontario school boards but does not define regulations regarding the nutritional standards of the food being served;

"Be it therefore resolved that the government of Ontario, through the Ministry of Education, support Ontario school boards to educate students more thoroughly and systematically about making healthy food choices according to Canada's Food Guide to Healthy Eating."

I support this and am pleased to attach my signature.

#### HEALTH PROTECTION LEGISLATION

**Ms. Lisa MacLeod (Nepean–Carleton):** I'm bringing this petition on behalf of residents in rural Ottawa and Nepean–Carleton.

"To the Legislative Assembly of Ontario:

"It is a long-standing tradition in rural Ontario for churches and other organizations to raise funds by holding suppers and feature home-cooked food and home baking. These suppers provide a venue for people in the community to gather to share a nutritious meal at a reasonable cost. The funds raised enable the host groups to continue to provide a wide range of other services to their communities;

"Whereas provincial legislation requiring food served at public events to be prepared on site in approved kitchen facilities places an impossible burden on small groups of volunteers who cannot afford to rebuild or upgrade facilities to commercial standards, or to undertake to prepare all the food on site; and

"Whereas regulation 562 of the Health Protection and Promotion Act already recognizes this by providing an exemption, allowing churches, service groups and fraternal organizations to prepare and serve meals for members and personally invited guests at special events;

"We, the undersigned residents of Ontario, petition the Legislative Assembly of Ontario to amend section 2 of the Health Protection and Promotion Act, RSO 1990, to permit churches, service clubs and fraternal organizations to serve home-cooked food at public events for fund-raising purposes."

Since I not only support this petition but have also undertaken to go to many of these church suppers in my community and will continue to do so, I affix my signature and present it to page Chad.

#### CHILD CUSTODY

**Mr. Kim Craiton (Niagara Falls):** I'm pleased to introduce this petition on behalf of grandparents across Ontario. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the people of the province of Ontario deserve and have the right to request an amendment to the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents; and

"Whereas subsection 20(2.1) requires parents and others with custody of children to refrain from unreasonably placing obstacles to personal relations between the children and their grandparents; and

"Whereas subsection 24(2) contains a list of matters that a court must consider when determining the best interests of a child. The bill amends that subsection to include a specific reference to the importance of maintaining emotional ties between children and grandparents; and

"Whereas subsection 24(2.1) requires a court that is considering custody of or access to a child to give effect to the principle that a child should have as much contact with each parent and grandparent as is consistent with the best interests of the child.

"Subsection 24(2.2) requires a court that is considering custody of a child to take into consideration each applicant's willingness to facilitate as much contact between the child and each parent and grandparent as is consistent with the best interests of the child;" and

Whereas we support the introduction of Bill 8, introduced by the member from Niagara Falls;

"We, the undersigned, hereby petition the Legislative Assembly of Ontario to amend the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents."

I'm proud to sign my signature in support of this petition.

#### WATER QUALITY

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** "To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

This was signed by many people at the International Plowing Match in Peterborough.

#### AGGREGATE EXTRACTION

**Mr. Kevin Daniel Flynn (Oakville):** I've got a petition to rescind the joint board decision of June 8,

2005, approving the applications of Dufferin Aggregates to expand its mining licence in the Niagara Escarpment World Biosphere Reserve:

"To the Legislature of Ontario:

"There are numerous reasons for rescinding the joint board decision, including the following:

"Whereas the decision contravenes the purpose of the Niagara Escarpment Planning and Development Act;

"Whereas the decision sets precedent for quarry expansion licences on the Niagara Escarpment;

"Whereas this decision could lead to habitat destruction for species of concern;

"Whereas escarpment rural lands are equivalent to buffer designation under the United Nations' framework for biosphere reserve (buffer designation is expected to protect the sensitive nature of the core protected areas);

"Whereas to attempt to maintain the significant wetlands and the streams' course, water will have to be pumped in perpetuity;

"Whereas this decision allows for pumping 50 feet ... below the water table;

"Whereas the 50-foot dams to be constructed have a potential for failure;

"Whereas aggregate can be readily accessed close to market off the Niagara Escarpment in land that is not protected or at risk;

"We, the undersigned, petition the Legislature of Ontario as follows:

"We call on the government of Ontario to:

"Issue an order by the Lieutenant Governor in Council ... rescinding the decision made by the joint board dated June 8, 2005, approving the applications of Dufferin Aggregates in regards to this matter;" and

"Issue an order by the cabinet substituting for the decision of the board on this matter, a decision rejecting the applications of Dufferin."

#### PROPERTY RIGHTS

**Mrs. Christine Elliott (Whitby-Ajax):** "To the Legislative Assembly of Ontario:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the peaceful enjoyment and free disposition of his property, except to the extent provided by law'; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and

"Whereas the decision of an expropriating authority should be subject to judicial review; and

"Whereas, subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

As I agree with this petition, I'm pleased to affix my signature and to give it to Paul.

1550

#### CAFETERIA FOOD GUIDELINES

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Legislative Assembly of Ontario. It has been given to me by some students from Streetsville Secondary School in Mississauga, and I especially thank Jennifer Choi and James Kim for circulating it. It reads as follows:

"Whereas childhood obesity rates have tripled over the past two decades in Canada, causing many other serious health problems, including diabetes, heart diseases, cancer and hypertension; and

"Whereas the increase in childhood obesity rates has been greatly affected by the increased amount of commercialized funding to the Ontario school boards; and

"Whereas some corporations who give funds to schools have no interest in the health of today's youth and cannot be held accountable for the increased obesity rates and other health problems; and

"Whereas students between the ages of 14 and 18 are responsible for making their own food choices; and

"Whereas the Ontario food premises regulation only provides safety policies that must be followed by the cafeterias of Ontario school boards but does not define regulations regarding the nutritional standard of the food being served;

"Be it therefore resolved that the government of Ontario, through the Ministry of Education, support Ontario's school boards to educate students more thoroughly and systematically about making healthy food choices according to Canada's Food Guide to Healthy Eating."

I thank the students of Streetsville Secondary for having drafted this petition. I'm going to ask page Patrick to carry it. I support this petition and I'm pleased to affix my signature.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Kim Craitor (Niagara Falls):** I'm pleased to introduce this petition to the House. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and



"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I'm pleased to sign my signature in support of this petition.

## ORDERS OF THE DAY

### FAIR ACCESS TO REGULATED PROFESSIONS ACT, 2006

#### LOI DE 2006 SUR L'ACCÈS ÉQUITABLE AUX PROFESSIONS RÉGLEMENTÉES

Mr. Colle moved second reading of the following bill:

Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions / Projet de loi 124, Loi prévoyant des pratiques d'inscription équitables dans les professions réglementées de l'Ontario.

**The Acting Speaker (Mr. Ted Arnott):** I'm pleased to recognize the Minister of Citizenship and Immigration for his leadoff speech.

**Hon. Mike Colle (Minister of Citizenship and Immigration):** Thank you, Mr. Speaker. I hope to share my time with the member from London-Fanshawe.

I want to thank the member from Niagara Falls, Mr. Kim Craitor, who just read the petition in support of Bill 124. I do appreciate his work in the Niagara area in helping newcomers, and thank him for that.

I also want to welcome some great champions of newcomers for many years in Ontario, who are here in the gallery. With me today is Lawrence Yu, president of the Chinese Professionals Association of Canada; Debbie Douglas, executive director of OCASI; Dr. Kazi Hoque, executive director of South Asian Family Support Services; Noor Din, executive director of Human Endeavour, who is doing great work in York region; Ahmed Iqbal, executive director of the Brampton Multicultural Community Centre; and also, all the way from Peel region, Haroon Khan, who just got back from Pakistan, where he's building a school for underprivileged children.

I want to thank them for being here, and for their advocacy for many years in trying to help all the newcomers to Ontario every year. They're on the front lines. Their organizations are on the front lines. They have been of great help to my ministry, of great help to the previous ministry—the minister is here—and also to Madam Chambers, who is here as Minister of Children and Youth Services right now.

They have really helped to shape this legislation. Over the last year, we've gone out to get their input, their advice. I have talked to them one on one. We have had countless meetings. I have gone into the communities, talked to literally thousands of newcomers who are trying to find their way here in Ontario. I've also talked to the front-line workers who have been their counsellors and mentors. Really, Bill 124 is the result of their suggestions, their recommendations. It's really a result of that kind of expertise. It's presented by me as the minister and by our government, but it's really a reflection of their many years of trying to ensure that foreign-trained individuals and all newcomers get a fair shot at working in their chosen field here in Ontario.

As you know, Mr. Speaker, over 140,000 newcomers come to this province every year—about 60% of all the newcomers to Canada come to Ontario. So it is a daunting task to ensure that all of our newcomers are given proper housing, proper counselling and support services; that their children get into schools; and that they're also able to get jobs. It is like increasing the population of Ontario every year by the population of Prince Edward Island. So it's quite an undertaking, and it has been successful for the most part because the community agencies, which many of our guests here today represent, have been working on the front lines offering support to newcomers.

We have many successful newcomers who have contributed so much. Over the last couple of days we were able to celebrate China's national day and to see the great contribution that Canadians of Chinese origin have made. Today we were at the flag-raising at Hart House honouring the great contribution that Canadians of Korean origin have made to this province and country. It is at the heart of who we are as a province that respects diversity, that practises multiculturalism. That is one of our hallmarks. We have always had, I think, a commendable approach here in Canada, saying to newcomers that they're welcome to come here if they work hard and respect the laws of Canada. They're also given the opportunity to ensure that they do not lose their pride in their roots, in their traditions, in their culture that they bring to us from their many, many different shores. That is one of the reasons why I say Ontario is so blessed by so many people coming to Ontario.

1600

Our newcomers sometimes take the worst jobs. They'll take any job. They will also work two or three jobs. They really aspire to go to school. They really aspire to a better future for their children. They are here with great ambition, with great dedication to their family



and great respect for this country. We are, as I said, honoured to have so many choose to come to Ontario. In fact, many of the other provinces are now trying to actively recruit newcomers, because they know that the key to economic, cultural and social success as a province is to have a welcoming place for newcomers. We in Ontario have always been blessed by so many choosing to come to Ontario.

One of the challenges newcomers do face is that many of them—in fact, over 70% of the newcomers that come to Ontario—are very highly educated; 70% have post-secondary education or training, or better. So, unlike my father, who came here with essentially an elementary school education, who was willing to do any job just to ensure that he had food for his family, the newcomers who come today have greater expectations to be able to contribute their skills and talents in a much more focused way in the skills they're trained for. My generation that came to Canada in the 1950s as immigrants was willing to wait, willing to take anything, as I said, because we knew that it was a welcoming country and we were very eager to work at anything. But the newcomers that come today have incredible talent and skill, for the most part. They want to make a contribution as fast as possible because they come here with technical degrees, with university degrees, they come here with great training and experience; therefore, we can't expect them to wait and do any job when there are many jobs that are going wanting or there are skill shortages in this province and this country.

That is why it is essential now to have a comprehensive approach of investing in the success of newcomers. We do that with our English-as-a-second-language programs, with our settlement programs, with our Job Connect programs. All these programs which go on throughout the country, and especially in Ontario, are critical investments in these newcomers so they can transition from their skills in India or Pakistan or Dubai to a job here in Ontario. That kind of transition has been very rocky in recent years for those that are especially highly qualified. And remember, the highly qualified make up about 15% of the newcomers; in other words, those with the degrees and the academic credentials, the training. The other 85% are also in need of support, so we also have to offer support for the whole population, not just the 15%.

This bill deals mostly with the 15% that come under the regulatory professions. We know, from talking to the Conference Board of Canada, from talking to the Ontario Chamber of Commerce, that it is not only a benefit to the newcomers if we invest in their transition into new jobs; it's of optimum benefit to the Ontario economy, the Canadian economy, that these newcomers can continue to practise and work in their chosen fields that they're qualified for.

In Ontario, we are actually losing economic opportunity by not having these newcomers able to work in their chosen professions or fields. There is an economic loss that takes place every day because very talented

newcomers aren't able to achieve their career goals here in Canada and Ontario. The same thing happens as far as the individual is concerned. Many newcomers who cannot find the job they're trained for suffer all kinds of frustrations, lack of family harmony. They really feel let down when they come here because they're not given the opportunity to practise and work in the field they're trained for.

That is why, for years, there have been many attempts and many discussions about why we have so many underachieving newcomers, and we should do something about it. I know, in talking to Debbie Douglas and others—Kay Blair from MicroSkills—all across this province they will tell you that for 25 years they've been talking about some way of ensuring that these trained professionals have a fair chance at getting a job, following a career they're trained for.

This bill attempts to address that opportunity for newcomers. There are many other strategies that have to be employed, but this is part of a comprehensive strategy.

As you know, part of the problem also lies with our immigration selection system. It's called the point system, where Ontario and its labour market needs are never met by the present system as it's now structured. We're asking to reform that system, make it better, because, as much as the challenges come to the doors of the regulatory bodies who choose who's licensed in Ontario, many of the challenges arise from the fact that our immigration selection system is, at best, dysfunctional.

For instance, every year in Ontario, through the present system, 15,000 to 20,000 engineers come to Ontario—15,000 to 20,000—with aspirations of getting work in that field. When they come to Canada and Ontario, there's no connection with the reality of the job market. We already graduate 5,000 engineers here in Ontario. That's why we've asked the federal government to reform and change the point system so there's better correlation between who they select to come into Canada and Ontario and the jobs that are available—that has to be done also because sometimes the undue pressure at the doors of the regulatory body is caused by the fact there's no connection between the immigration selection system and the job markets here in Ontario. Ontario has been saying repeatedly, "We love the fact that there are engineers, there are nurses, there are highly qualified academics coming to Ontario, but we also need blue-collar workers. We need bricklayers. We need midwives. We need truck drivers." But the present system of selection doesn't allow easy entry for those highly motivated individuals who may not have the academic credentials but still want to come to Ontario. So we are working with the federal government and Minister Solberg to try and change that selection system to make it much more reasonable and wider in scope beyond what it is right now.

Bill 124 tries to address the reality of the fact that when a foreign-trained individual comes to Canada and Ontario, there is a complexity of regulatory bodies, 34 in all, that range from architecture to the College of Phys-



icians and Surgeons of Ontario to the College of Midwives of Ontario, the chartered accountants' institute, teachers' colleges and engineering. All of these regulatory bodies, up until this bill is proposed, have never had oversight by a provincial government. This is the first bill of its kind in Ontario or in Canada where these 34 bodies that are independent under statute—in fact, the Law Society of Upper Canada, which is under the regulatory bodies, dates back to 1797. What this bill is saying is, it respects their independence, but when it comes to fair access, it is asking them to follow the establishment of a fair access code of registration that is open, accountable, applicant-friendly and easy to understand, where the application forms are in understandable English and there is fair due process. That's one of the major components of this bill.

#### 1610

The second component of this bill asks for the establishment of a fairness commissioner. The role of the fair access or fairness commissioner would be to ensure that the practices of the 34 independent regulatory bodies adhere to the test of fairness, ensuring that applications don't cost above and beyond what is reasonable to be licensed; to ensure that when someone makes an application, they don't wait a year and a half to get a response back from the regulatory body; to ensure that if someone asks why their application was refused, they get an answer; to ensure that the person who is assessing the application, if it was denied, is not the same one undertaking the appeal of the application. So there would be an appointment of a fairness commissioner who would be the champion of newcomers applying to go through this regulatory process.

By the way, this is not just for the internationally trained. These fair practice codes and the fairness commissioner would help all applicants who are trying to get into regulatory bodies. Whether they're a foreign-trained individual, the member from Essex's son or anybody who's been here a long time, they would all benefit from this fair access. So it's beneficial to all, that all would have this benefit of the fairness commissioner and a fair access code.

The third part of this bill, which again is one of the main recommendations made by all the stakeholders and the front-line workers helping newcomers, is that there has to be some kind of resource centre within government that would enable newcomers to get resources, to get information, and help newcomers navigate through this complex system of regulatory licensing. So this bill, if passed, would establish an access centre for the internationally trained. They would get independent advice from a government public servant that would work in partnership with the community agencies to ensure that they get the right information, the right direction and the right counselling, you might say.

For instance, I was told just last week in my own office that there is a pair of brothers who own a refrigeration company in my riding who for years have been hiring foreign-trained technicians to work in the refriger-

ation unit they have. They said that one of the frustrations they have is that people come to their office every day. One who came to their office the other day had been working at a minimum-wage factory job for seven years, and they asked him, "Why did you come and apply for this job only now? Why did you wait seven years?" What the applicant said to them was, "Well, I've been so busy trying to put food on the table and so busy paying my rent that I really didn't have time. I didn't know where to go to find information." When he came to the office of the two young owners of this refrigeration company, they told him that if he were to take a six-month course—and there's a brief three-month course at George Brown College—he would be able to qualify in gas-fitting, which would give him an almost instant job paying over \$20, \$25 an hour. But he wasn't aware of the fact that in Ontario he would have had that opportunity to be licensed in gas-fitting, which is for heating, and refrigeration. There are many newcomers in Ontario who come from countries like Pakistan who are, for instance, very capable in refrigeration but they don't have experience on the heating side. That kind of information was not available to this newcomer who had been working in this factory for so many years.

That's why we need the information that is now provided in many cases by settlement agencies. But we need a place in government that promotes this kind of communication to newcomers, a place where they can go, a place where they can get this kind of direction—not seven years later but when they come into this province.

This province has incredible opportunity because of the newcomers coming here. We are endowed by so many wonderful, creative people who have built cities like Markham, Brampton, Mississauga—look at Toronto. I was in Windsor just the other day. I was in Leamington, where an immigrant family has just built this incredible greenhouse operation. These success stories can be even greater if we give more attention to opportunities for newcomers, and this bill is really a strong statement, basically saying that everyone has to do better, all the regulatory bodies; government has to do better.

That's why the fairness commissioner in government will work together with the regulatory bodies to ensure that their practices aren't redundant, to make sure their practices are reasonable and affordable. That is why this legislation calls for the fairness commissioner to work with the regulatory bodies.

It also asks the fairness commissioner to require annual reporting of the regulatory bodies so we know how many applicants applied and how many failed. With that kind of data that would be regularly available, we could then find out if there's a common thread of why a certain number of applicants to become perhaps nurses are failing. We would then be able to fund a program that would fill that gap, so we wouldn't just have the failures and rejections. But right now we don't have the comprehensive data to know how many applied, how many failed, and this reporting is essential.

The act also calls for the fairness commissioner to undertake audits of the regulatory bodies. That doesn't



mean an audit is done every day or every year. It could be done every three years, at the discretion of the fairness commissioner, to ensure that there is comprehensive compliance. So the audit function is one that I think works with the regulatory bodies but also sets a high standard that the regulatory bodies have to ensure that this is not just an ad hoc approach; it's a systemic, legislative approach. We're all regulatory bodies.

I know a number of regulatory bodies have spoken to many of us over the year, year and a half. They said, "We shouldn't be included. Our processes are very good." I've said, "Yes, your processes are very good, but we can't exclude you, because we want to have this uniformity of fair practices." So if they have a good process, and many of them do, they will have nothing to worry about. The open process is there. They can continue to do what they've done. That's why I'm glad to hear that a number of regulatory bodies are supportive of this bill.

We've had support from the chartered accountants, management accountants. We've had support from the Professional Engineers of Ontario. We've had support from the Law Society of Upper Canada. We haven't had support from all the regulatory bodies; I can sort of understand. Some of them, for 150 years, have never had this kind of legislation. They've never had this kind of compulsion to co-operate on ensuring fairness and opportunity for newcomers. So I can understand that they've never had this approach before.

As I said, thankfully many of them see that this is essential. We can't afford to maintain the status quo anymore. We need to raise the bar. We need to be proactive. We need to ensure that all the regulatory bodies are in compliance, co-operating and listening. As I said at the very beginning, it is not just the fault of the regulatory bodies that we sometimes have this gridlock with our newcomers, because the gridlock is sometimes a reflection of society.

You know, for many years the word "immigration" was like a four-letter word. Immigration now has been accepted by almost all parties—not in the political sense. It is a positive. Immigration has built our cities.

1620

I know that in Portugal they're running ads thanking immigrants for coming to Portugal. I saw that. That's why, in our government, we ran the first ads by any government which asked employers to hire immigrants. It's part of our Mumbai campaign. You may have seen it. The ad has a young lady speaking Hindi walking into an office, talking to someone long distance in Mumbai about the fact that they got a contract for Peterborough to open up a plant. We did that in French and in English. It has been very well received. People said, "Wow; it is so important to remind us of how important it is to give an opportunity to a newcomer." Because it's not only, as I said, good for that newcomer, but that newcomer brings global experience to the table, international experience. You've heard it over and over again, to the point where we're all tired of it: The applicant comes in. "Where is your Canadian experience? Sorry, you can't get the job.

Canadian experience is needed." The person says, "I just worked as the project manager on the Three Gorges dam, and I can't work on a sewer project in Pefferlaw?" "Well, you don't have Canadian experience."

That kind of attitude has got to change. Canadian experience is complemented by international experience. Canadian experience is complemented by global experience, especially in light of the fact that our economy is only 0.5% of the global economy. So if I can get someone who has experience in India and Pakistan and China and I can get that person to work in my plant, what am I bringing to the table? I'm bringing to the table global experience. It's a global economy. It makes us more competitive. Smart companies are doing that.

One of the areas that is really co-operative is the financial services sector—our banks, insurance companies. They know who their customers are. They know who they have to market to. They know that this talent, international talent, enriches their coffers too, but enriches their workplace. That's the kind of message that this bill is trying to give out, that it's part of a new mindset we need. It's part of reaching out to business, reaching out to our academic institutions, reaching out to our regulatory bodies, saying that we must all do better and as governments we haven't done enough. We're starting to do more and we have to do more.

That's why, beyond this bill, we've also made the biggest breakthrough of all: Thankfully, after 20-odd years of trying, we finally got the federal government to agree that there are immigrants in Ontario. It took 20-odd years. We got the federal-provincial, Ontario-Canada immigration agreement signed last November, finally. I remember talking to Bob Rae, saying that they were trying to deal with that back in the early 1990s. By getting that agreement, what it means is that there is at last going to be an investment of \$920 million into Ontario, not to the government of Ontario but to the service providers and program enhancement in the communities across Ontario, whether it be Peterborough, whether it be Simcoe, whether it be Leamington, Niagara Falls. That's where that \$920 million will go: into the communities. So you can imagine how much good that money would have done to all of our communities and our newcomers if we had gotten that money at the same time Quebec did, in 1992. We never did get it. That's why I'm so proud of our Premier, who, over and over again, stood up in this House, stood up across the country, saying, "It is wrong that if a newcomer goes to Montreal or Quebec, they get \$4,000 worth of federal investment in their success as newcomers, in their programs in Quebec. That same newcomer coming to Mississauga got \$800 worth of federal program investment." We told the previous Liberal government, we've told the present Conservative government, that that was unfair to Ontario, it was unfair to Ontario's newcomers and it deprived many of these newcomers of the opportunity to reach their potential because you need those dollars to ensure you have language training programs, counselling, Job Connect programs, LINC programs, counselling for some of our



immigrants who need help overcoming the stress and frustration sometimes that the seniors and their children have. That money was never invested in Ontario. Our agencies that were on the front lines never had the kind of resource to provide the services they needed to provide. They somehow hung on by a thread, and it's a tribute to the agencies—some of them with us here today, like OCASI and COSTI—that for years toiled with very limited resources.

Thankfully, we've got that money committed, but let me tell you, the money is flowing very slowly. So if you know a federal cousin or something, please tell them we're waiting for that money. The agencies here have been waiting for that money. I know they have good intentions and they keep saying the money is coming soon, but we've been waiting for over 20 years. We need that money to flow into the community groups; we need that money to flow into the schools. We need that money to start flowing; it's there.

I've had a very good relationship with Minister Solberg. He's been very co-operative and he assures me the money is soon coming. I sincerely hope it is.

**Mr. Bruce Crozier (Essex):** The cheque is in the mail.

**Hon. Mr. Colle:** The cheque is in the mail. No, it's there. Some of it has already flowed, so we've got some breakthroughs.

The other thing I want to say is that, beyond that historical agreement, we've also looked at ourselves as a government and we've said, "One other thing we can do: If we're going to ask industry to do more, we're also going to do more as a government." That's why we've set up an internship program within the civil service. We're asking all ministries to give an opportunity to foreign-trained individuals in a six-month internship program where they get paid \$2,000 a month so they can get valuable experience in the Ministry of the Environment, the Ministry of Energy, Ontario Power Generation, the LCBO. That program has been established and it's got great potential to really show that all of our ministries and our agencies are also doing the right thing. That is the first program of its kind in Canada, where an internship program for the internationally trained will now be part of all of our ministries' mandates. I hope we get moving, and I want to see the LCBO and Ontario Hydro, Ontario Power Generation—all of them—start into this internship program, which is a great breakthrough.

The other thing which is very significant is that many of our advocates told us that what newcomers also need is a little bit of financial help in the first few months or year or two when they come here. We've established, along with the Maytree Foundation, which is a great charitable foundation that has helped newcomers for many years, and TRIEC, which is a great economic council for the greater Toronto area and beyond—with their partnership, we've established for the first time a fund for the internationally trained. Up to \$5,000 is available so that an internationally trained individual who may have to pay for a course or a fee or an assessment

will be able to access this. That's a repayable loan especially targeted for the internationally trained. Many of them said that in the first few months it's pretty hard to get money in to pay their rent, their transportation fees, when they're not working. They said, "Please do something to give us a bit of money to tide us over until we get a job that will pay us a decent wage." That loan program is under way and is available to all the internationally trained.

We also are very proud of the fact that in Ontario we have an extensive English-as-a-second-language program for adults, which for the most part is for the internationally trained seeking improvement. That English-as-a-second-language or French-as-a-second-language program is now under my ministry, and it's about that \$53 million a year we are investing for adult ESL throughout Ontario, mostly administered through the school boards, but also through other community agencies.

**1630**

Just to let you know, that program is now being revised. It's being made more robust, there's a new curriculum and there has also been the establishment of a more career-focused English language. The newcomer not only learns basic English but learns English they would need to be an accountant, English they would need to be a nurse or English they would need to be a physician.

This new ESL program is now focused on occupation-specific English along with the regular English, because that's what the newcomers and the agency said was needed: an English-as-a-second-language program that was updated. It hadn't been updated in a couple of decades, so now, in co-operation with the professionals who are overseeing the curriculum revision, an update is under way and will soon be delivered in this new, robust format to help newcomers.

As you know, the other thing that works very well for newcomers, which is a complement to this bill—because the regulatory bodies do their part. One of the things the regulatory bodies do say is that sometimes an experience you may have in another country just needs some acclimatization to an Ontario or a Toronto or Leamington or Sudbury work experience. This is why we have established—and I think it was the previous government that first started it—the internationally trained bridge training programs. We have been spending up to \$37 million over the last three years for this very successful program.

The beauty of this program was brought home to me when I visited Ryerson. I went to a graduation ceremony for 34 midwives. They had come from Iran, Iraq, Ethiopia, Egypt, and they were so excited about the fact that they were able to take a bit of a bridge training program which gave the best of their experiences overseas into the Ontario experience with the College of Midwives of Ontario. Along with the expert and wonderful teachers at Ryerson—the school of continuing education at Ryerson is exceptional—they were so happy to be able to get this enhanced language training. They also got the sort of prepping on how to do better on the exam for licensing.



The beauty of the program was that there was a 100% pass rate for the midwives program.

We just expanded the program for nursing. It's been in Hamilton and Ottawa. It's called the CARE program. It's another bridge training program that has now been expanded to Hamilton. That CARE program—again, with the College of Nurses—ensures that nurses who are trained internationally get the best sort of acclimatization to nursing in Ontario. The pass rate before we had the program for nursing was about 20% to 25%. When they take the CARE program, the pass rate for internationally trained nurses has gone up to 80%—from 25% to 80%.

That is why I reinforce the fact that it is important to work in collaboration with the regulatory bodies and colleges and to work in collaboration with the agencies to ensure that there are fair rules and that there are also resources for them to get the right information, the right direction and the right courses to take. We also have to ensure, when there are shortcomings or needs identified, that these investments are made so they will be able to become full-time practising architects or veterinary doctors or whatever they wish here in Ontario.

This legislation, again, is an attempt to reflect the many years of input that our settlement workers and our community agencies have given us. It is a reflection of the fact that many of our newcomers have spoken out loudly and clearly that the status quo is not acceptable, that we all have to do better, that we have to make things fairer—that it's very good to welcome people into Ontario, but that we make sure we're doing everything we possibly can to give them a fair chance of achieving their life dream and their career.

That's what this bill does. It works in an area that has not been easy for government to tackle, but I think we all agree that this will benefit all of these wonderfully talented, gifted people we're blessed with who come to Ontario. It also sets up a very strong framework for helping newcomers through the access centre, fairness commissioner, so that they will get support as they go through sometimes very complex systems.

In conclusion, I want to say thank you again to the guests who have come here today and the countless others who have been helping newcomers quietly and without resources in all of our communities, in all of our cities, across Ontario. They know too well that these wonderful people are all asking for a fair chance. So this Bill 124 is an attempt to do something about fairness, transparency and accountability so that these wonderful people will get to work, feed their families and contribute to Ontario's economy so that we can really celebrate our diversity, our multiculturalism, economically and socially. We really need to do this more than ever because we are in such a competitive world. Just out of equity and fairness, we have to do this. *Merci beaucoup.*

**The Acting Speaker:** The member for London—Fanshawe.

**Mr. Khalil Ramal (London—Fanshawe):** Before I start, I want to also recognize all the people with us in the gallery today who worked very hard to make this bill

happen. I also want to thank the Minister of Citizenship and Immigration for his leadership in this field. Without him, I guess we couldn't do what we're doing today.

This bill is about fairness. It's about transparency and consistency, accountability and high standards. It's about opportunity. It's about our basic values as Ontarians. This bill is about prosperity and success for our province in the years ahead. It's about making the most of our limitless possibility to compete in the global economy. But most importantly, this legislation is about people. The Fair Access to Regulated Professions Act, 2006, will help make sure that Ontario's immigrants have a fair shot at success. The legislation will help Ontario to continue to attract the best and brightest people from around the globe.

This issue of fair access to regulated professions is of enormous economic, social and cultural importance to immigrants. This bill is of tremendous symbolic importance to newcomers. It says to all Ontario's people, "You are full partners in our society and we will do everything we can to help you succeed." This legislation before us is an enlightened, balanced and progressive response to a long-standing problem. Through Bill 124, more of our province's people will be able to apply their advanced education, experience, ideas, creativity and knowledge of the world.

This debate is very close to my heart. At the age of 29 I was a newcomer to Ontario. I couldn't speak English, only knew a few people here and wasn't absolutely sure of how I would make my mark. But I know one thing for sure: I was at home here in Ontario. Thanks to the friends I had, the warm welcome I received from Ontarians and the help I obtained from many settlement agencies in London, I began to build a life for myself. I was fortunate. I found a way to make the most of my bachelor's degree in sociology and master's degree in social politics from the Lebanese university, and I was able to carry on my Ph.D. studies here in Ontario. By having the capacity to make the most of my education from abroad, I was able to work as a counsellor for Ontarians with disabilities. Using my teacher's diploma from the Lebanese Ministry of Education, I had a solid foundation to be a teacher in London, and my accountant diploma proved extremely valuable to me as a small business person.

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I want every immigrant to have the same full opportunity as I have had. I want to make sure that all those much-needed professionals are able to provide their services to Ontarians, just as I have been able to, and just as my wife has had the opportunity to do with her medical degree from abroad. Ontario needs those talented immigrants who have not found work in their professions to find work. Ontario needs those people to succeed. We need the doctors, nurses, engineers, laboratory technologists, pharmacists, teachers and accountants. Our loved ones will benefit from more respiratory therapists, physiotherapists, dentists and optometrists. With this legislation, newcomers will finally be in a position to put their advanced knowledge and wisdom to full use, for the



benefit of themselves, their families and all of our society.

While maintaining the independence of the regulated professions, this legislation makes certain that there is a clear, fair process, with common benchmarks across the board. If you're a foreign-trained professional, your education and credentials would be assessed fairly and within a reasonable time. You will know the rules up front, and your experience will be judged objectively. If you need Canadian work experience, specialized language training or any information about registration documents, you will have easy access to the information you require.

Every person in this Legislature knows a foreign-educated professional working at a minimum task, while businesses, hospitals and communities across the province are short of their talents. There is something very wrong here. There is something very wrong when we attract exceptional people to Ontario and then watch them struggle to have their credentials recognized. That's what we are all determined to change. That's what this legislation, the first of its kind in Canada, will help to change. This legislation will cut through the red tape and knock down the barriers standing between talented immigrants and their capacity for success. With this bill, we are saying very clearly that Ontario will always be on the side of newcomers. We want to seek out immigrants and we want them to shine in their chosen fields.

If passed and implemented, the bill will change the lives of thousands of professionals trained outside Ontario and it will provide profound benefit to the province as a whole. Together, Ontarians will make our province stronger, better, richer and more appealing by actively encouraging the contribution of all. That's what makes Ontario a great province. Should this bill pass with support from all members, it will be a very good day for immigrants and a very good day for Ontario. We are providing a welcome mat to a brighter future for all of us.

Thank you very much for allowing me to speak.

**The Acting Speaker:** Questions and comments?

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to add some comments to the speech from the Minister of Citizenship and Immigration and also the member from London–Fanshawe on Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions.

I do want to speak on behalf of the Ontario PC caucus and note that we certainly support all measures to provide for foreign-trained professionals and skilled workers to have access to success and to remove unnecessary barriers.

This bill has taken a long time to get here, and I would like to point out the actual commitment the government made in the past election. I note that Mr. Prue, on June 8 when it was introduced, noted that the government has been in power three years and they promised in the last election, "We will require that all Ontario trades and professions accelerate the entry of qualified new Canadians. If, after one year, the professional trade has not elimin-

ated barriers to entry, we will act." That was in the election. We note that it's three years later and we have a bill that hopefully will improve things, but there are certainly some questions to be answered.

I note some commentary in the *National Post*, July 15, 2006, which notes that:

"The problem with Bill 124's proposed solution is that it (a) whittles away the autonomy of private association; (b) replaces self-regulation with state regulation; (c) adds another layer of bureaucracy; and (d) instead of reducing obtuse uptightness, it only stirs it up, spreads it around and gives it more room to manoeuvre.

"If Ontario ever gets a Fairness Fairy, you can bet on one thing: The chief concern of his or her office won't be either fairness or openness or expediency. It will be political correctness."

There are obviously many questions as to whether this bill has been properly thought out, whether it's actually going to work or whether it's just another level of bureaucracy like LHINs adding to the cost of the health system, not necessarily improving health care or addressing the shortage of doctors and all the problems we have in the many emergency rooms around this province.

**Mr. Peter Tabuns (Toronto–Danforth):** I believe we have a profound problem in this society, a profound problem with the integration of new Canadians into our society here in Toronto, the GTA and Ontario as a whole. I have felt for a long time that one part of that problem, the recognition of the credentials of professionals, was something that had to be addressed by government, that it was the role of government to take on the responsibilities, the activist role that would be needed to actually break through the barriers and make sure that people's skills, their talents, their commitment and their experience were reflected in the careers that they were able to attain here in this province.

My concern with this bill is that, unfortunately, it does not incorporate a number of the key recommendations made by Judge Thomson in his report. My concern is that failure to integrate key recommendations into this bill will mean that, a year from now, two years from now, the concern we have about the falling income status of new Canadians will continue to be present, that the reputation of this country and the reputation of this province will be darkened in other jurisdictions, in other countries, because people will say, "You come to Canada trained, committed, skilled, educated, but you can't work in the areas where you have talent."

We waste the lives of thousands of people. We undermine our economy when we do not take effective steps to integrate these skilled, talented, energetic people into our lives.

I'm going to talk today about what has to be done to improve this bill.

**Mr. Shafiq Qaadri (Etobicoke North):** To begin with, of course, I think we must commend the Minister of Citizenship and Immigration, the Honourable Mike Colle.



As the MPP for Parry Sound–Muskoka quite rightly said, it has taken a long time. I repeat: It has taken a long time. Fundamental change of this calibre, addressing the needs and the regulatory authority of 34 associations, from physicians to nurses to optometrists to chiropractors and so on—that kind of fundamental, generational change is something that, of course, takes a great deal of time, a great deal of thinking, extraordinary insight and, I would also say, leadership. It is something whose time, I'm happy to say, under the watch of Dalton McGuinty, under the watch of this Liberal government, is finally coming to fruition.

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As my colleague the honourable Khalil Ramal from London–Fanshawe quite rightly and eloquently stated, embedded within the logic of this particular bill are the aspirations of many, many families, the aspirations of the new face of Ontario, the aspirations of a whole global community that is taking root and flourishing and is now second-, third-, fourth- and even fifth-generation Canadian.

It has taken, as I said earlier, and as my honourable colleague opposite quite rightly pointed out, a long time. It has taken generations to actually arrive at this moment. With that, I am truly honoured, privileged and humbled to be a participant in this momentous occasion.

**Mr. Robert W. Runciman (Leeds–Grenville):** I want to indicate to the minister that I believe, from our perspective, that the legislation is a good first step—good intentions on the part of the government. I don't think we should suggest it's a panacea, but I believe it is a good initiative and one that is long overdue. There is no question that population growth in this province is stagnating to some degree and we can't meet the future demands of the labour market within our borders.

Having been a member of this place and living part-time in Toronto for the past 25 years, I've had the opportunity to meet many people in a range of occupations where they were not able to practise their trained professions or trades because of the barriers that were in front of them once they entered this province or this country. Hopefully this initiative is going to address some of those barriers and allow us to get many more good people into their chosen professions and trades and assist in the growth of this province.

Certainly, we have some concerns about the legislation. Those will be addressed during debate, and hopefully there will be an opportunity at some point for additional input. I think that some of the problems we are faced with—it's a double-edged sword, and we don't have an opportunity to get into all the discussions in a response. But when we are looking especially on the medical side, where we're trying to attract medical professionals and we know there is a dire need in Ontario, what happens is that we are drawing and attracting them from some countries that have much greater needs in terms of the health and well-being of their own populations. That is the downside of this, but hopefully initiatives to encourage training and growth in our own province will address that as well.

**The Acting Speaker:** I'll turn to the member for London–Fanshawe, who has two minutes.

**Mr. Ramal:** First, I want to thank all the members from both sides of the House who spoke in support of Bill 124. This bill is about people. It's not about political parties; it's about people. It's long overdue. We have to break down the barriers that are facing many, many talented people who decided to be Ontarians, who decided to be Canadians, who came from many different parts of the globe to give us their talent and their experience. It's our duty as elected officials to help them utilize their ability and their skills to be able to be good citizens of this province, to better themselves, to better their families, and also to help us to continue building this province, to continue helping to build this beautiful province, to help make sure all the elements are being utilized for that cause.

I think this bill is long overdue. I want to thank the government, which gave us the tools. I also want to thank the minister, who took the leadership in this avenue because he believed in it passionately. He saw it firsthand. He knows how important it is, not just for London or Toronto or part of the province of Ontario; it's good for the whole nation. If we are able to utilize those capacities—the doctors, the professors, the teachers, the engineers who come with good intentions to use their skills and their talents—I think we are on the right track.

I would invite all the members of this House to support this bill, because this bill is about people, as I mentioned, not about one party. It's about the talent that is sitting out there, not using their ability, not using their skills. In the meantime, our hospitals need them, our builders need them, our factories need them, our institutions need them. I think that by passing this bill we will give them the ability to participate, to be good builders like everybody else in the province of Ontario.

**The Acting Speaker:** Further debate?

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** I'm certainly pleased to announce, first of all, that we had reached agreement to stand down the lead. So I am going to be speaking first, and our member from Oak Ridges will be following up.

**The Acting Speaker:** Is there consent of the House to stand down the lead of the official opposition? Agreed.

I return to the member for Kitchener–Waterloo.

**Mrs. Witmer:** Thank you very much, Mr. Speaker.

I'm pleased to join the debate on Bill 124, entitled the Fair Access to Regulated Professions Act, 2006. This act, of course, is going to provide for fair registration in Ontario's regulated professions.

Let me put on the record, first and foremost, that certainly the Ontario Progressive Conservative caucus does recognize that foreign-trained professionals and skilled workers must—and I stress the word “must”—have the barriers removed from their path to success. In fact, prior to 2003, our party actually was working on legislation that we could bring forward and introduce.

I would say, from my own personal experience as the daughter of immigrants, as an immigrant myself, that I



have long been aware of barriers that people have faced when they've come to this country with knowledge, with skill, with a trade, with a profession. It was certainly reinforced for me when I was chair of the Waterloo county school board. We had many, many immigrants who came to this country whose children were engaged in our heritage language programs, and again, we had many, many disappointed, frustrated, dejected parents who came—highly skilled professionals, skilled trades, different areas—and continued to knock on doors and find those doors closed. One of the barriers I heard about over and over again was the lack of experience they had in Ontario or the lack of experience they had in Canada. So I certainly recognize and acknowledge that there have been problems. The problems need to be resolved, and we have this bill.

Although there are parts of this bill that I think need some amendment—in fact, parts of this bill are not consistent with the recommendations Justice George Thomson put forward—I do believe it is the right thing to do and that we need to move forward as quickly as possible to ensure that those individuals who, like my family, chose to make Ontario and Canada our home have the opportunities available that all people do.

If I take a look at this bill, I am disappointed. It has taken a long time to get here. The government originally pledged that it would all happen within one year, and here we are three years later and just barely beginning the process. It's important, as we take a look at this bill, that it ensures that there is balance. We need to take a look and make sure that it does remove the barriers, the obstacles, for those who come to this country with skills and professions. At the same time, obviously, we need to balance that with preserving the important independent roles and duties of Ontario's 36 regulated professions. This bill deals with 21 health colleges and 15 non-health professional bodies. So there is a careful balancing act that is going to be required.

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I would say that in my own community, Kitchener-Waterloo, I have certainly met with, throughout my time as an MPP, many individuals who have been looking to gain full-time employment here in the province of Ontario and have been denied the opportunity to do so. Again, this bill is going to help those individuals.

My community has recognized for several years now the important contribution that immigrants make to the economic life of our province and our community, and I will tell you that our business community has been working hand in hand with others in order to ensure that those barriers are removed and that all individuals who come to this country have the same opportunity to be gainfully employed. So I am proud of my community, and I'm proud of the leadership that they have shown in trying to make sure that all immigrants have equal opportunity to get the job and to be able to use the skills and the profession for which they have trained.

I know of one young woman who came to this country with her husband. She had been trained as a doctor in a

European country, and to this day, she has actually never had the opportunity to practise. I hope for her and for others that this bill will eventually give her that opportunity. So certainly I do support this bill and, as I say, I know that I speak for many people in my community who also acknowledge the importance of moving forward.

I think that for a long time we had hoped that many of the health colleges and many of the other non-health professional bodies would put in place steps that would help facilitate the entry into practice of these individuals or help them gain a position. Unfortunately, sometimes it does require just an extra push in order to make sure that this does happen. So I would just like to put on the record some issues that we need to consider.

I want to talk a little bit about this fairness commissioner because, in many ways, this bill does stray from the recommendations that were made in Justice George Thomson's report. The most contentious initiatives of the government not recommended by Justice Thomson included the creation of a fairness commissioner and regular audits. He did not recommend this, and I think we need to take a look at that fairness commissioner, because we need to keep in mind that the 36 regulatory bodies in Ontario do have specific mandates. They have been invested with those mandates by this Legislature and thus the people in the province of Ontario.

We now have the creation of a fairness commissioner, which was not recommended by Justice Thomson, with the right to coerce. I think we have to be very careful, because the idea and model of professional governance has served this province well for decades, and we need to make sure, as I think I said before, that there's balance. We need to remove the obstacles in the way of skilled immigrants and workers, but at the same time, we need to also continue to recognize the important independent status of Ontario's 36 regulated professions. Unfortunately, as we set up this apparatus called the fairness commissioner, it will also mean that, in some respects, we're putting another barrier in the process, because it's going to take, certainly, once the passage of this bill occurs, some months to put in place this particular office.

The other thing he did not recommend was regular audits. Again, we need to take a look at this, because it could move professional bodies away from assessing competence and could actually hinder the progress of foreign-trained workers. So you've got this audit function and this fairness commissioner, both of which were not recommended by Justice Thomson, and they could become a fault-finding approach that would become adversarial. I don't think that's what we want to see. We want to expedite the process, we want to break down the barriers in order to allow the skilled workers and the professionals to get a job in their chosen fields. Again, we need to be pretty careful that we don't put more barriers in the way of what is already in place here.

The fairness commissioner has been given very broad and discretionary powers. Those certainly can be potentially problematic. Self-regulation could be threatened by



the fairness commissioner's sweeping powers to conduct audits; in here, it says that it would be at his or her discretion. I think those are things that we need to take a look at, and we certainly need to ensure that we are not putting further barriers in the way of access to the profession or trade. In fact, there are those who suggest that putting a fairness commissioner in place and introducing audits actually adds a new layer of bureaucracy that could cause delays. So we now have new reporting requirements necessary and we have costly audit processes, and we just need to make sure that nothing prevents the entry into practice for those individuals who are looking for jobs.

There are some other concerns that have already been raised, and maybe we need to take a look at those. My colleague Mr. Miller did quote from the National Post, I believe, from Saturday, July 15. When I take a look at what they say, they actually do echo some of the other concerns that I've just enunciated. They believe that Bill 124 "whittles away the autonomy of private association ... replaces self-regulation with state regulation ... adds another layer of bureaucracy ... and ... instead of reducing obtuse uptightness, it only stirs it up, spreads it around, and gives it more room to manoeuvre."

They certainly do indicate that they have some concerns. They also expressed some concerns about the fairness commissioner. So again, I think it's important that we do take a look at the role and responsibility of the individual who is going to assume responsibility. There are certainly some concerns that are being expressed.

One of the other concerns that we need to put on the record: Although we're finally seeing legislation—as I say, I support the legislation—I have over the many years, whether as an immigrant, an MPP or chair of a school board, certainly seen people come face to face with barriers that would allow them to work in their chosen field. But we also need to recognize that we probably have a better job to do in making sure that individuals, before they come to this country, are aware of what might be required. In fact, perhaps we need to do some work in the country of origin and allow them to start taking some steps towards meeting the requirements of certification that are going to be necessary. I think we do have a job to do. Yes, we can try to eliminate the barriers here, but maybe we could give them a step at home and allow them to start working towards their qualifications and their Ontario-Canadian certification in their own country. It's certainly something we need to take a look at.

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I have here a press release that was put out by the College of Physicians and Surgeons of Ontario. The reason I want to refer to it is because we know we have a doctor shortage in Ontario. We have 1.2 million people who do not have a family doctor, and unfortunately only 11% of doctors are now taking new patients. That's down from about 40% five years ago. We also know that about 57% of doctors in the next few years are going to be nearing retirement age and they're going to be retiring.

So the concerns put on the record by the College of Physicians and Surgeons is important. They are concerned that this bill will not improve access for the international medical graduates in Ontario. They say, "In fact, the legislation does nothing to address the root cause of the physician shortage in this province, and adds a new layer of bureaucracy that may in fact cause delays to college processes."

They talk about the legislation introducing new reporting requirements, costly audit processes, and reducing the flexibility of the current registration process to consider the competence of individual applicants rather than whether or not they actually have the specific credentials. Again, there is concern. Obviously, when we in this province are absolutely desperate for new doctors, we do not want to put any impediments in the way of increasing opportunities for IMGs to practise in Ontario.

They go on to say, "The legislation will not increase opportunities for IMGs to fully participate in Ontario's health care system." Instead, this is what should happen if we want those IMGs practising in the province of Ontario to deal with the doctor shortage, which has become a shortage of crisis proportions, and we now have an increase of underserved communities. It's up about 10 from the time that we left office; it's up around 136. In fact, they've just put my community of Kitchener-Waterloo back on the underserved list after taking it off about a year ago.

This is what the College of Physicians and Surgeons says we need to do if we want the doctors fully participating in our health care system:

"—Assess every IMG and if necessary, provide" him and her "with training;

"—Market Ontario as a great place to work for health professionals and encourage Ontario physicians to return." We've got over 9,000 in the United States. We've got to bring them back to this country.

"—Create a health human resource planning body; and

"—Develop and incorporate collaborative care models into our health care system."

They conclude their press release by saying:

"We believe that this legislation will have a number of unintended consequences.... At a time when we desperately need qualified physicians, we should not be adding new layers of bureaucracy, duplication and expense to the process, but looking for changes that will have a positive impact on access to licensure in Ontario and access to quality care for patients."

I wanted to put on the table some of the concerns that have been expressed. I am particularly concerned about the fact that the College of Physicians and Surgeons is suggesting that this legislation, Bill 124, will put more roadblocks in the way to making sure we have the doctors we need in Ontario. I like what they're saying about assessing every IMG and, if necessary, providing him and her with training. I think it's a great suggestion. Obviously, some people are going to need more training than others. So I am concerned that this particular piece



of legislation could do exactly the opposite and simply add new layers of bureaucracy, duplication and expense and will not expedite or facilitate the process.

I hope that the government will have more consultations. Obviously there is interest in this issue throughout the province. As I say, in my own community we've recognized that this is a problem. The business community is working together with other community groups, and certainly we in the region of Waterloo, in the cities of Kitchener and Waterloo, want to be part of the solution. We want to make sure we can move any legislation that meets the needs of newcomers and that we have these people actively participating in our workplace. In talking to people—I'll tell you, these newcomers do add a lot to the workplace. They bring their own experience. They bring their own skills. My daughter had the opportunity to work at a financial institution and she learned so much from people who had come from different parts of the world. It certainly helped her better do her job and be a better person.

**The Acting Speaker:** Questions and comments?

**Mr. Tabuns:** I don't think that anyone in this chamber is interested in reducing the quality of professional service in this province. We all recognize that having self-regulating professions is to our advantage. But I think everyone in this chamber recognizes that the structure of registration, the methods by which we assess the qualifications and skills to those who come to this country, have been problematic. I know without a doubt that people come to this country who are extraordinarily well qualified, who are accomplished engineers, accomplished accountants, accomplished doctors. Yet, when they come here, all too often they run into obstacles. So I'm listening to what has been said here, the suggestion that perhaps what is proposed goes too far, brings up too much bureaucracy. I have to say that my concern is not that this bill goes too far; it's that it does not go far enough.

I think if we want to deal with the whole question of bureaucratization, we should be assisting our professional associations, our professional regulators, to develop reciprocal arrangements with regulatory bodies in other countries to recognize that an accountant in one country has the same skills as an accountant in Ontario. Signing agreements: We need to be doing that; we need to be doing a lot of that. We need, as a government, to be assisting those international professionals, those internationally educated professionals, through their associations, to develop those agreements, put them in place so that very rapidly when people come here, it can be determined that they have the skill and the background to actually practise in this province.

**Mr. Ramal:** I was listening carefully to the member from Kitchener-Waterloo. I will thank her for her support and understanding the importance of newcomers to this economy and how much we have to do in order to utilize their abilities and their skills. She also mentioned that we delayed this bill. I want to tell the honourable member that we appointed Judge Thomson in 2004. He reported

to us in 2005. We are here in 2006, proposing the bill to the House, and hopefully we'll get support from all the members. I have a sense that all the members from both sides are going to support it.

I met with the college of physicians many different times and listened to their concerns. But when you regulate, when you have a proposed bill, you cannot have an exemption for any regulated body. As you know, we have 21 regulated health professions and we have 13 non-health regulated professions. We cannot exempt any one of those. We have to apply fairness at all the levels of the regulatory bodies. I heard the member from Toronto-Danforth talking about the bill not going far enough, and the other, Conservative side saying the bill goes too far, putting blocks and barriers against the people who want to fit into society, integrate and get accredited in this province.

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We work on a daily basis with all the regulatory bodies in Ontario. We consult them on a daily basis to seek their opinions on how we can pass this bill, how we can work with them in order to establish a good way to utilize and have all the people who have foreign-trained skills to be accredited in Ontario without jeopardizing the standards put in, without affecting the regulatory bodies that already existed before this bill.

The intent of the bill is to apply fairness, and this is what we're all about in this province.

**Ms. Lisa MacLeod (Nepean-Carleton):** I appreciate the opportunity to speak on this bill. I find it somewhat humbling to be able to speak to this bill, because the first time I worked in a constituency office—for the provincial member who used to hold Nepean-Carleton, John Baird—one of the first issues I dealt with was a foreign-trained doctor who was unable to work at one of our hospitals in Ottawa. So I am very happy to see that this is a great first step toward ensuring that that individual will be able to work as a doctor in our great city.

My party obviously supports foreign-trained professionals and skilled workers coming into Ontario, and we'd like to see that the unnecessary barriers are removed from their paths to success. I appreciated my colleague's comments on balance. We on this side will certainly be making sure that the bill is monitored to make sure it balances the needs: to remove obstacles that skilled immigrants and workers face and preserve the important independent roles and duties of Ontario's 36 regulated professions.

Currently in Ontario, as the honourable minister had mentioned, we are moving forward with the federal government. I'm very pleased that the federal Conservative government is working hard to ensure that foreign credentials will be recognized not only in Ontario but throughout Canada.

I just want to say, in the short period of time I have left, that there are some concerns on this bill. Balance is one. But Raymond Micah, executive director of the African Canadian Social Development Council, sees it as a glass half full and wants to see the rest of the glass



filled. So he says, "We are somewhat happy. We have for a very long time had a concern about the barriers in the registration process for all professional immigrants." And he said that, while he likes the idea of making professional bodies more open and fair, he wonders to what degree the government will be able to do forced compliance since the bodies are independent. So I hope that that will be addressed.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I wanted to leave it until others had an opportunity, but there is a chance to be up on this, and I'm glad that we are moving in this particular direction.

You will hear from some out there who are going to express their opposition. Very often they are the same people who for years have prevented legislation of this kind from reaching the floor of the Ontario Legislature and who, when they have been in a position to make it easier for those who have received their training outside the country, have been part of the problem. I hope that they will join with those of us in this Legislature who believe that this legislation will provide the opportunity for foreign-trained professionals to integrate into our society by obtaining the kinds of jobs that their qualifications and education entitle them to if they meet all other requirements.

We are a country of immigrants, if you think of it. Each one of us—outside of those who are aboriginal people in our country—in our ancestors, are immigrants to this country. I'm sure there were people who, as each wave of people came over, said, "Those people coming in," whoever they happened to be at that time, "really can't fit into these upper-echelon jobs. We'll let them do some of the other jobs even though they may be well qualified."

I think we're a much more enlightened world today. We recognize that people are much more mobile in the world, that we are competing for professionals, and we are privileged to have those who have joined our own country of Canada, who have chosen this country and want to practise in this country. There is another group of individuals as well that we want to encourage to participate, and that is those Canadians who have gone abroad, Canadian youngsters in particular, and have obtained their training abroad in some very good schools overseas and are also looking for the opportunity to take up professional occupations wherever they can.

**The Acting Speaker:** That concludes the time for questions and comments. I'll return to the member for Kitchener-Waterloo for her reply.

**Mrs. Witmer:** Let me express my appreciation to those who participated: the member from London-Fanshawe, the member from Beaches-East York, the member from Nepean-Carleton and, of course, the Minister of Tourism and minister responsible for seniors.

I think it's been stated that there seems to be support for the legislation on all sides of the House. I think there is a willingness and commitment to move this bill forward. As we do so, we need to make sure that the

voices of all Ontarians are put on the record. Certainly, part of the role each one of us has today is to make sure that the concerns and the support for the legislation are made apparent to our colleagues here in this House.

That's why I said earlier that in my own community we have recognized that this is a problem for our immigrants, our foreign-trained professionals and our skilled workers. We want to be part of the solution and we want to work in order to ensure that there is equal access to opportunity for all people who decide to call Ontario and Canada home.

I'm pleased the federal government is involved in making sure we open doors for immigrants and professionals and those in skilled trades. At the end of the day, we need to continue to respect the need for balance and we need to ensure that this legislation isn't going to add another level of bureaucracy or put another barrier in the way.

I think that this bill will move through and have debate, and I look forward to eventually seeing the opportunity for everybody in the province.

**The Acting Speaker:** Further debate?

**Mr. Tabuns:** I want to start by thanking those who have come to Canada—people who have come a great distance, come to this country to build it, come to this country to make it more prosperous and come to this country to build their own lives. We owe them, when they come here, at least the opportunity to use their skills, their commitment and their ability in the careers in which they've been trained.

I am the son of immigrants. Over 50 years ago, my parents came in that great post-war wave of immigrants to Canada hoping to build a good life. My father was a skilled mechanic, and when he was in England applying to come to Canada, he'd seen a large notice in the immigration office listing the wages per hour for different skilled trades: "Auto mechanics, \$1.40 an hour." In 1951, it was a pretty good wage.

So he and my mother came to Canada. They thought they would adjust very quickly to Canada, that they would be able to set up shop, as it were, go into the trade and have a good living. My father was right about this and my father was wrong about this. He was right in that, eventually, things did work out, and he lived a long life in this country. He loved it. He knew he'd made the right choice. But he was wrong about the kind of reception he would get in the workplaces of this country. He thought his skills and experience would be recognized and that he would be able to start working as soon as he came here.

**1730**

He was to be shocked. He was shocked that his skills and his experience as a mechanic meant almost nothing when he arrived. He didn't have Canadian experience and he didn't have Canadian credentials. After a fairly difficult period, he was able to find work as a mechanic. He was able to find a position where he could become an apprentice again. For three years he worked at half the wages that others were working for, doing exactly the work he had done in Europe. That experience of how his



skills were not recognized, that experience of being taken advantage of, because that's precisely what happened, stuck with him throughout his life and, I have to say, stuck with my mother all these years. And the parallels between the experience of the generation that came in the post-war period, the generation of my parents, and the struggles that are experienced by immigrants who come to Canada now, more than half a century later, are striking.

There are about 12,500 new Canadians, internationally educated professionals, who arrive in Ontario every year, with a majority of them settling in the GTA. That number reflects a change in Canada's immigration policies. In the 1990s, immigration policies were revamped. It was decided to try to attract, bring in, people who had a higher level of training, people who were not simply skilled but who had professional training. But, like my father, many of these immigrants learned that what they were told by Canadian immigration officials abroad in New Delhi, Hong Kong, Dhaka, what they were told about their value to Canadian society, was not the value they found when they came here. In too many cases, what they found when they came here was that their skills, their education, their long history of work at senior levels were of no consequence. They found that when they came here—they didn't have Canadian experience—they had difficulty being registered and recognized in their fields.

I had an opportunity in 2004 to meet with the Bangladeshi community. In 2004, I ran as a federal candidate for the NDP in Beaches-East York. It has a large Bangladeshi population—great folks, if you get to meet them: well-educated, well-spoken, politically sophisticated. In talking to them, I met people who had been senior executives in multinational firms in Africa, working as chief financial officers, who were having difficulty getting into accounting in Canada. Their credentials weren't recognized.

One of the executives I talked to, a very polished, distinguished man, said that when he went for an adjustment training program, the first thing the teacher said to him was, "We're going to talk about debits and credits," and he was scandalized. Here was a man who had operated at very senior levels, who had dealt with very large quantities of money, being asked to endure a lesson on debits and credits. That did not reflect well on this country. It did not reflect well on our preparation to integrate these people into our society, to make sure their skills were used the way they should be used.

He wasn't alone. Many professionals have talked to me about their disappointment, their frustration in dealing with the lack of recognition of their credentials and their experience with bridging programs that didn't recognize the skills and experience they already had.

This past summer, I had an opportunity to attend a community picnic. Different parts of mainland China are represented all over this city and all over the GTA. Different communities have picnics. I had an opportunity to go to one and had a chance to talk to each person in

turn. It was quite extraordinary, because in many ways it reminded me of the community I grew up in in Hamilton in the 1950s. We'd go to picnics like that, all of us—large families with the Steelworkers or the Brotherhood of Electrical Workers—and people from all over the world would be at those picnics.

This picnic was very much the same. We had people who had come recently—in one case, an engineer who was driving a truck, and his daughter, about eight or nine years old, quite precocious, quite intelligent, very much adjusted to Canadian society but in a household where her father felt he had a very large burden to carry because he could not use his skills. All his hopes, all his dreams were focused on this daughter and her ability to develop, to grow to become the person he was not able to be at this time in this country. The stories go on and on of highly skilled people whose training, whose work experience, whose commitment do not get recognized, and then these people don't get a chance to live the kind of life they need to live, do not get a chance to make the contribution to our society that they should be able to make.

According to figures from the Department of Immigration, it takes more than 10 years, on average, before a highly skilled immigrant reaches the same level of employment as a Canadian with approximately equivalent credentials. There was a book written a few decades ago called *Ten Lost Years*, about the 1930s in Canada. These are the 10 lost years in the 21st century, the 10 lost years of income, of experience, of contribution. Six out of 10 immigrants settling in Toronto are forced to make downwardly mobile shifts into a career or job other than the one they were trained for. Examples again and again illustrate the chronic underemployment of internationally educated professionals and can be found across a variety of sectors: engineers driving cabs, pharmacists bagging groceries. The driving of cabs has come to really symbolize this waste of resources because many of us in this room, I'm sure, but throughout this city, have stepped into cabs where we are being driven by people with their master's, their Ph.D., people whose skills go far beyond the ones that they're utilizing at that moment to move us around this city.

The disconnect between what we tell people abroad and what they experience when they come here is wrong. Increasingly, the word is going out that coming to Canada does not mean an open door for you. It means an open door to a low-paid, low-skill job, but it does not necessarily mean an open door to the career that people know that they're prepared to contribute to.

Recently, Stats Canada found that one in six male immigrants leaves Canada for better opportunities elsewhere within the first year of arrival, and those most likely to emigrate are skilled workers. So we are the recipients of an extraordinary gift. People come to this country ready to contribute, and we say, "No; thanks but no thanks. You can move on." I talk to settlement workers in this city, settlement workers who increasingly refer to Ontario as the training ground for the US or the



training ground for Alberta, because people come here, get some acclimatization, and they move on because we don't let them use their skills. We don't open the door to opportunities for people who want to contribute.

It isn't only these newcomers who suffer because we don't let them use their talents. It's not only those who come here who are shortchanged, it's the economy of the country itself. The Conference Board of Canada, a private think tank, calculates that the impact to the Canadian economy of failing to recognize the credentials of these internationally educated professionals is about \$3.4 billion to \$4.9 billion per year. That's a huge economic impact: 60% of those immigrants settle here in Ontario, so it's Ontario that's missing out on that income bonus. It's Ontario that's missing out on the boost that we could be getting if we treated people properly, if we made sure the doors were open. We fail to do that.

There's that economic element, but there are human elements. When I talk to settlement workers in this town, they talk about a vicious cycle that people go through when they come here and find their credentials and work experience are not recognized. The cycle looks like this. We have optimistic people, professionally trained. They come to this country. They have huge ambitions, huge confidence that their senior positions in other countries, their solid background, will take them quite a distance. They look at the job openings on the Internet, and they see that their qualifications are needed. They know that they can do those jobs, just as many of us can read want ads or look at the Internet ads and know that our qualifications match what's wanted there. People are highly educated and literate, many of them with HR backgrounds, management backgrounds. They know how organizations work; they know they can do these jobs.

1740

When they come here, they immediately find a variety of barriers. They don't have Canadian experience. Maybe they ran huge branches of companies. Maybe they had experience setting up national Internet systems in China. Maybe they had experience in India as engineers working on very large projects. But lack of Canadian experience means that that background is dismissed. So they find that, and they start to be a bit concerned. For those who come from countries where English isn't their first language, they find that it's difficult to get training in technical terms, that there isn't an openness, a provision of English in technical situations—business English. That's a problem. So they look to their finances. Many have spent everything that they'd ever saved; many are spending all that they have left to keep themselves afloat. They spend it on rent, they spend it on courses, they spend it to try the best they can to keep going, to keep alive that hope that they will be able to use their skills.

As the money runs out, they face a choice, and their choice is this: Should they keep looking, or should they take a survival job? That's the term: a survival job. They know that if they take that job bagging groceries or that job in the plastics factory as an assembler, their currency as a professional will decline every day, their ability to

portray themselves as someone who knows what's going on at this moment will degrade, and that after a year or two years or three years or four years, their ability to go back into that profession may well be fatally damaged. So many of them take those survival jobs, and there are consequences for themselves and for their families. There are bitter jokes that go around. There's a joke in the Russian community: What does PhD stand for? Pizza Hut delivery. That's what PhD stands for.

Many people decide to send their children back home to be raised by their grandparents because things are too tight. So families are broken up in the effort to try to hold on, to hope that things will open up, to hope that they will actually get that job, that they'll be able to keep paying the rent until they can get there. But often that hope is not realized.

If you look at statistics—and there were some, interestingly, that were provided to me today at the press conference about this bill that was held at 10 this morning in the media studio—recent arrivals have significantly lower earnings. Stats Canada, in 2001, showed average earnings of recent immigrants in the 1980s: \$40,100 per year. That's for a male aged 25 to 54. Average earnings of recent immigrants in 2000: \$33,900. Time passed, and the average earnings dropped substantially.

The next stat illustrates what that means in practical terms. The Daily Bread Food Bank, in 2002, looked back at who was using their food bank. The percentage of immigrants with at least some college or university education who were using food banks in the spring of 1995: 12%. In the spring of 2002, we were up to 59%. The number of people with a university education or higher education using food banks was up dramatically.

That says something profound about how we are failing the people who come here. We're failing to use their skills and we are putting them in desperate situations. Families are broken apart by the stresses, and those human costs are very, very profound. There's an anger that arises from that, an anger because people know what the costs are to themselves personally, to their friends, to their community, and that anger bubbles up.

In a report that was done this year by the Policy Roundtable Mobilizing Professions and Trades, PROMPT, they had some comments by internationally educated professionals about their experience coming here to Canada. One states, "I started my accreditation process well ahead of my landing to Canada and still it took me two and a half years to get through. After landing, we became disillusioned...." Another: Internationally educated professionals "are as competent and as knowledgeable as Canadian graduates. Now, if they will be given trainings to orient them to the Canadian health care system, then we would function as the rest of the working force in here. What needs to be done is for Canada to recognize" that internationally educated professionals "are already professionals in their own rights...." Another: "All in all it is easier to go elsewhere and we are actively looking at other options. A real shame as we love Canada and have



met wonderful people when visiting. We are responsible, taxpaying, upstanding citizens, respected in our employment and fulfilling valuable roles in society, yet feel rejected and worthless from our experiences so far....” Another: “The program didn’t yield my expected result”—this was a bridging program—“and what have I lost? I would say, it’s beyond money and time. It is my dignity as a professional. That would mean I would be affected in so many aspect of my being.”

People feel cheated. They feel that their skills, their abilities, are not respected and that they as individuals, as people, are not respected.

Now the bill at hand: As has been said in the election campaign in 2003, Dalton McGuinty expressed his indignation that internationally educated professionals were working at low-paying jobs because they couldn’t practise their chosen profession. And in the course of that election, he made the following election promise: If regulated professions did not open their doors to foreign-trained professionals within his first year as Premier, he would act. Well, time passes. It’s 2006, we have a bill before us, and we have to ask ourselves, is the bill before us one that will actually end this cycle of engineers driving cabs? Will it change the situation for internationally educated professionals? And the answer I give you right now is not a yes.

This legislation needs significant improvements if it is to accomplish its specific purpose of making the accreditation process open, transparent and objective. This legislation alone is not a silver bullet that will resolve the unemployment of internationally educated professionals. We will need significant improvements in this act and we will need action beyond the act to deal with systemic problems related to labour market integration.

Let’s look at the bill itself. The bill has an interesting name, an interesting title: Fair Access to Regulated Professions Act, but it doesn’t do enough to incorporate the recommendations of Judge Thomson, recommendations that need to be incorporated into this bill to ensure that people do have their credentials recognized. It could in fact become simply a symbolic gesture, one that will not change the situation that we face in this province.

**1750**

I’ve spent a fair amount of time, since the bill came out, talking to people in this community who are internationally educated professionals, asking their opinion, looking at the Thomson report and trying to match things together. When you look at Judge Thomson, he made a series of recommendations to ensure fairness for applicants seeking to have their credentials recognized. Thomson asked for the establishment of independent regulatory appeal tribunals. That’s one of the first amendments that have to be made to this act. There have to be tribunals set up where they do not exist to hear appeals to rejections of registration and professional bodies. These tribunals need to be adequately resourced for high-quality reviews in a timely way.

The bill does not establish those independent regulatory appeal tribunals where they currently don’t exist.

They do exist for medical professions; they don’t exist outside of that. Thomson was quite clear about the need to establish those tribunals, the fundamental part of what he’s had to say to this government and to this Legislature. That has to be amended in this act.

Now, in the absence of an independent appeals tribunal, the recourse that professionals have when they are rejected is to go to court—a very expensive procedure, very risky for people who are already low on funds. We need to incorporate independent appeals in this act. He actually said the following: “Independent appeals constitute an accountability mechanism that fosters due diligence and promotes high-quality” internal “procedures and a concerted effort to avoid or remedy errors so that appeals will not be launched.”

Further, although access to the courts is available in all regulated professions, either through statutory appeal or judicial review, it is not a practical or affordable remedy for many parties. Not only do they need to exist, but they need to be properly resourced so that appeals can be heard quickly.

Judge Thomson commented in his report that with regard to medical appeals tribunals, there needs to be adequate funding to ensure that high-quality adjudicators were attracted to sit on the tribunals and make decisions.

The second amendment that’s needed to make this bill truly useful is the provision of legal and professional advice to new Canadians seeking recognition of credentials. This includes the provision of trained advocates, without charge to applicants, to present the cases of applicants before regulatory appeal tribunals.

Bill 124, as written, doesn’t guarantee support for new Canadians in getting their credentials recognized. The process of applying for recognition of credentials can be confusing for those who have not applied before. The process of appealing a decision when you’ve been denied can seem almost impossible. Again, Judge Thomson recommended that self-represented applicants needed support.

Given the way the cards are currently stacked, I would say that we have to go a bit further than Judge Thomson, that we have to build on his good work, and provide that the access centre that’s established by this act indeed provides legal expertise, trained advocates who will represent applicants at internal hearings about registration decisions. But also, newcomers have to have it made clear to them what kind of assistance they require. Newcomers have made it clear to me what kind of assistance they require in the accreditation process. The legislation should reflect that advice.

For most of us not born in this country, our bureaucracy, our approach to things, can be confusing, and for those who are new to it, obstacles can be daunting. I had a taste of this a number of years ago when I was in Cairo. Cairo, then and now, is quite an extraordinary city. To stay in it a bit longer, I had to have my visa extended. I went to what I seem to remember was the ministry of the interior: a very, very big building in downtown Cairo, all the signs in Arabic; there wasn’t a single sign I could



read. I had a sense, a taste of what it's like to be in a country where you have a very complex institution and you yourself can't guide or find your way through it. I did what many others did. I hired one of the guys standing around, who took me through the building, through a maze of offices, and did the rough translation that was necessary. We need to give that kind of support to new Canadians, to people confronting our bureaucracy for the first time, to people who will need the support to get through, because we need their skills. They've come a long way to help build this country. The least we can do is give them the support when they deal with the complexities of a new land.

It's my belief, and I think clear that in Judge Thomson's mind is also the belief, that appeals need to be kept to an absolute minimum. It's my hope that in the course of dealing with this act, in amending the act, in dealing with registration procedures, we will make them easier for new Canadians to get through, for internationally educated professionals to receive registration through.

The third amendment that I believe has to be incorporated into this act is the recognition and the naming in the act of the professional regulatory bodies that will be governed by the act. I don't believe we should be leaving the listing of the professions to regulations. It should be in the act itself. Judge Thomson has provided a list of those regulated bodies already. Even a politician can find them; they're in the appendix. I would say that rather than leave it to the government to decide which regulated profession they're going to include or not, we, the legislators, should put them in the act.

Mr. Speaker, you have discreetly indicated that time is coming to an end. I know I'll be able to continue at a later date. Thank you.

**The Acting Speaker:** I'm obliged to inform the House that the member for Timmins-James Bay has withdrawn his request for an adjournment debate. As such, this House stands adjourned until 6:45 p.m. this evening.

*The House adjourned at 1758.*



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Parkdale–High Park	DiNovo, Cheri (ND)	Trinity–Spadina	Marchese, Rosario (ND)
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Perth–Middlesex	Wilkinson, John (L)	Waterloo–Wellington	<b>Arnott, Ted</b> (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Peterborough	Leal, Jeff (L)	Whitby–Ajax	Elliott, Christine (PC)
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Willowdale	Zimmer, David (L)
Prince Edward–Hastings	Parsons, Ernie (L)	Windsor West / Windsor-Ouest	<b>Pupatello, Hon. / L'hon. Sandra</b> (L) Minister of Economic Development and Trade, minister responsible for women's issues / ministre du Développement économique et du Commerce, ministre déléguée à la Condition féminine
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	Windsor–St. Clair	<b>Duncan, Hon. / L'hon. Dwight</b> (L) Minister of Energy / ministre de l'Énergie
Samia–Lambton	<b>Di Cocco, Hon. / L'hon. Caroline</b> (L) Minister of Culture / ministre de la Culture	York Centre / York-Centre	<b>Kwinter, Hon. / L'hon. Monte</b> (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Sault Ste. Marie	Oraziatti, David (L)	York North / York-Nord	Munro, Julia (PC)
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough East / Scarborough-Est	<b>Chambers, Hon. / L'hon. Mary Anne V.</b> (L) Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse	Burlington	Vacant
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	Markham	Vacant
Scarborough–Agincourt	<b>Phillips, Hon. / L'hon. Gerry</b> (L) Minister of Government Services / ministre des Services gouvernementaux	York South–Weston / York-Sud–Weston	Vacant
Scarborough–Rouge River	Balkissoon, Bas (L)		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	<b>Bradley, Hon. / L'hon. James J.</b> (L) Minister of Tourism, minister responsible for seniors, government House leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement		
St. Paul's	<b>Bryant, Hon. / L'hon. Michael</b> (L) Attorney General / procureur général		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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## Assemblée législative de l'Ontario

Deuxième session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 3 October 2006

Mardi 3 octobre 2006



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 3 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 3 octobre 2006

*The House met at 1845.*

### ORDERS OF THE DAY

#### CLEAN WATER ACT, 2006

#### LOI DE 2006 SUR L'EAU SAINE

Resuming the debate adjourned on October 2, 2006, on the motion for third reading of Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts / *Projet de loi 43, Loi visant à protéger les sources existantes et futures d'eau potable et à apporter des modifications complémentaires et autres à d'autres lois.*

**The Acting Speaker (Mr. Ted Arnott):** I understand that when the House last dealt with this item, the member for Toronto–Danforth had the floor. I recognize the member to resume participation in this debate.

**Mr. Peter Tabuns (Toronto–Danforth):** Where was I? Right. It's the whole question of definitions, and whether or not the lack of definition in the bill, the leaving of definition to regulations, is good for this Legislature, is good for the bill itself.

As I said yesterday, the whole question of what is a significant drinking water threat has not been defined in this bill, and many other sections of the bill are dependent upon that definition to determine whether or not it is really of effect and of use.

There's another definition, "significant groundwater recharge area," left to regulations. Many follow-on sections of the legislation are dependent upon a definition there for us to know whether in fact the environment will be protected. For those of us in this chamber who are voting on the matter, we can't know what we are voting on. We're voting on a bill that is really a house of cards built on top of a house of cards, on a structure that is not visible to the people in this chamber, and it means that in order to vote for the bill, we have to assume that we can give this government a blank cheque and that it will sign the cheque properly, put in the right amount and not play around.

There was enough concern on my part, and on the part of others prior to today's report by the Environmental Commissioner of Ontario, but the Environmental Commissioner of Ontario made some very interesting commentary in his report about amending the nutrient management regulations; in other words, changes to the

nutrient management regime that didn't have to come before this House, and he writes:

"The government has amended the regulation under the Nutrient Management Act that sets out how farmers must apply manure and biosolids, such as sewage sludge, to their land. Unfortunately, only six years after the Walkerton tragedy, some of the changes have weakened both accountability and the assurance that farmers are following the rules to protect human health.

"For example, the Ministry of Agriculture, Food and Rural Affairs no longer has to approve the nutrient management strategies of large livestock operations unless they're expanding or are located within 100 metres of a municipal well.

"The changes also mean that farmers are no longer legally required to keep records of how they comply with their own nutrient management plans, which may make key aspects of both the regulation and Nutrient Management Act itself virtually unenforceable."

So not only are we asked to sign a blank cheque, but we are told by the Environmental Commissioner of Ontario in his report today, tabled in this Legislature, that the blank chequebook was getting some interesting writing put in it recently. I have to say that this is a significant failing in this bill. As I said yesterday, given that when the bill was introduced in April, over four months ago, many of us raised questions of what are the definitions, in four months, one would think that one could supply a definition. It isn't there. The bill has a profound weakness in that area.

#### 1850

The next question is the whole issue of funding for monitoring, for implementation and for enforcement. Frankly, there is no indication in this bill other than that municipalities and conservation authorities will cover this expense.

When the minister came to the committee during clause-by-clause, she moved an amendment allowing for provision of funds for assistance and incentives. At the time, I asked the government representatives: Did that cover operational costs, did it cover enforcement, implementation, monitoring and all of the expenses that would be covered by municipalities and conservation authorities? The answer was very clear: It was no.

That's a big problem, because the reality is that municipalities and conservation authorities are already carrying a heavy load. Municipalities have made it very clear that they are carrying the big burden of down-loading. This government had promised to lift that bur-

den, it has not, and so we know that these bodies are going to have tremendous difficulties in meeting these new responsibilities.

During the hearings that were held in Toronto, Walkerton, Cornwall, Bath and Peterborough I had an opportunity to ask cities, towns and conservation authorities: Could they actually carry out the responsibilities that were directed to them in this act? The answer consistently was either "No," or "We might be able to do it inadequately."

"You don't understand," they said. "In a small town, we have one person who is already doing two jobs. With this, they'll be doing three jobs. The reality is that without the funds, the enforcement does not happen. Without the enforcement, we don't get the protection that is touted for in this bill."

It was interesting to me today to listen to the Minister of the Environment. The Minister of the Environment was questioned here in the hallway, just outside this chamber, about the changes to the Nutrient Management Act regulations: What would be the impact on water safety? The minister said, "Well, we have numerous layers of defence, including the Clean Water Act."

We know, and this is the problem with this bill, that it will be years before the source protection plans are in place, years before people are hired and years before there's enforcement. The reality is that we are weakening protection of source waters in this province with this regulation change, and all the minister can offer to the people and to the media is that the Clean Water Act will be the saviour someday, maybe, kind of. I have to say we are not going to see the kind of protection we need in a situation where there are not the resources required to do the job.

The McGuinty Liberals promised in 2003 that they would bring in water-taking fees. There is an opportunity with this act to bring in water-taking fees. Those who read this act—those who read summaries of this act—know very well that water-taking fees are not included here. That, again, is a profound mistake and a weakening of this bill, because in fact we need a source of revenue. We need the money to hire the inspectors; we need the money to hire the scientists, the labs and the lawyers. Everything that goes with an enforcement regime is needed and is not here.

The next issue I want to raise, and I think it's interesting again in light of the commentary of the Environmental Commissioner of Ontario: I had moved an amendment during the course of clause-by-clause debate to have the impact of climate change considered when source protection plans were drawn up. The reality—and the Environmental Commissioner put it quite well today: The environment, the climate that all of our planning has been based on, has gone. That climate is a past thing. We are in a new climate.

The Environmental Commissioner today noted the wind storms that have hit Ontario, knocking out power. He talked about the fact that he had been told by a city engineer that this year he's had three storms that

normally would be categorized as 100-year storms. That means washed-out roads; that means flooding; that means very, very different threats to the water supply infrastructure.

With almost no burden, this government could have incorporated into the act a requirement that, when planning was done, there would be provision for planning in the context of climate change. It's not there—again, entirely consistent with what the Environmental Commissioner says is the approach of this government. Not only does it not have a plan to address climate change, to try and mitigate it, to try and reduce the impact in total on this province, but this McGuinty government then assumes that, not having acted on climate change, nothing is going to happen. We know things are going to happen, and yet no measures are taken for adaptation and none were incorporated in this bill.

As I said yesterday, the scientific principle of the precautionary principle, recognized by the Supreme Court, by Health Canada, in the Canadian Environmental Protection Act, is not incorporated in the bill. Right then and there, we're way behind where the thinking is going in public health and the environment: no incorporation of adjustments for the changes that climate change is going to visit upon this province and no provision for the funding necessary to actually enforce the act.

We are going to find ourselves far behind other jurisdictions. This year, the World Bank published guidelines for its development projects around the world for adaptation to climate change because they recognize, when they fund a project on a river in South America, when they fund a project on a coastline in Africa, when they fund a project in the Himalayas, that climate change over the next decade or two decades or three is going to change the natural environment that those projects will be operating in. The World Bank, arguably not the most progressive institution on the face of the earth, at least recognizes that the world is changing substantially and is doing its best to protect its investments and protect the people who will depend on those investments. That thinking has not seeped into the McGuinty government. It's not part of their picture of the world.

The next issue is that of First Nations. In this country, we cannot be proud of our relationship with our First Nations. It has been a very, very sorry, dark history. To some extent, the mistreatment is being recognized in this country; to a much smaller extent, some of those issues are being addressed. So it was to my surprise that the concerns of the First Nations for a non-derogation clause in this legislation and for consultations were ignored in the bill and, initially, in the amendments from the government. It was up to the opposition, both the Progressive Conservatives and our party, the NDP, to put forward non-derogation clauses, which were initially rejected by the government. We were told that they were unnecessary, they were redundant; that this bill was unconstitutional, would remain constitutional, and really we were cluttering up the act. The next day, the government brought in the same amendment we brought in, because



we took it from a government bill. That part was useful, and I'm glad that we in opposition pressed them on that issue.

But the second substantial request from the First Nations was for consultation, and not just with the chiefs' organization—because that isn't the consultative body; that's an information-sharing body—but with individual First Nations, because they have treaty relationships, they have independent existence. They wanted that consultation and they wanted resources from this government so that they could actually participate in consultation in a meaningful way. We're talking about some of the poorest communities in Canada, whose living conditions are generally quite bad, whose standard of living is quite low. They quite rightly say, "For us to be in a position where we can comment usefully on technical matters that relate to our land and our rights, we need resources from you." Such an amendment should have been brought by the government. It was pointed out to them by First Nations groups that came and made deputations. No action on that. Amendments put forward to that effect were set aside.

The government is entirely on the wrong foot here with this issue. It should have acted. It should have put that provision in the bill, and to have not done it was entirely wrong.

1900

The next issue of contention: the weakening of the bill with the abandonment of permitting and a move towards negotiating risk management assessments. The retreat from the original wording was a mistake on the part of the government. It reflects an unnecessary weakening of the bill. This government has a transitory commitment to this issue, and backtracking on that issue highlighted the lack of commitment.

Water conservation: One of the few issues that had support across the spectrum when we heard deputations, when we heard presentations, was a commitment to water conservation. Farm groups, environmental groups, cottagers all came out for this, as did the Ontario Federation of Agriculture, Friends of the Rouge Watershed, Grey County Federation of Agriculture, municipality of Brockton, Dundas Federation of Agriculture, AGCare, Environmental Defence, Canadian Environmental Law Association, Concerned Walkerton Citizens and so on. The simple reality is that as climate change reshapes Ontario, issues around water quantity will become significant.

The farmer representatives from Haldimand and Norfolk were very interesting in relating the fact that there are already disagreements and tensions, problems with availability of water for those who need to irrigate their crops. If we're going to deal with the issue of quality, it makes sense for us to deal with the issue of quantity. The farm groups argued, and very rightly, that the less water that is drawn down for municipal use, for human consumption, the less risk there is to those consumers from potential contamination, and their logic was quite solid. I don't understand why the government

turned its back on one initiative where there was unanimity across the board. They didn't have any controversy here. They could have said, "All plans have to include a water conservation element," and it would have been greeted warmly by all the different stakeholders. So, for heaven's sake, I don't know why on earth they didn't go forward with that.

This act is not impressive. I don't trust, the NDP doesn't trust, that the government will use the act to protect our water. The precautionary principle is not incorporated into it. There is no ongoing funding. There is no clarity in definition. Over the next few months, we'll see if the McGuinty government will act in a way that really protects water. Will it act to stop or even slow down the paving of the Oak Ridges moraine? Will it proceed with the deep underground radioactive dump on the shores of Lake Huron? Will it block the Milton quarry proposal? Will it allow the Richmond landfill to expand over fractured limestone near Kingston, fractured limestone that is the source of drinking water for the Mohawks of the Bay of Quinte? Will it proceed to approve the Bath incinerator? I think all of these tests will be watched to see if in fact this government has a commitment to water protection.

This government has wasted an historic opportunity to bring about crucial change in this province, and frankly, they have made a hash of this bill.

**The Acting Speaker:** Questions and comments?

**Mr. Bob Delaney (Mississauga West):** I enjoyed the comments of my colleague from Toronto–Danforth. Here's a city guy reading the NDP canned speaking notes on nutrient management. Perhaps the member was reading the cheat sheet for the wrong bill, because he referred to it being introduced in April when in fact it was introduced in December 2005—so let's set the record straight here.

Let's see if I've got this right. The NDP party that voted against putting on an electricity price cap, and then voted against taking it off, is also against clean water. The NDP party that voted in favour of keeping the private school tax credit is also against clean water. The NDP party that opposed the establishment of the green-belt is also against clean water. The NDP party that, during the few accidental years it actually held power in Ontario and actually cancelled all of Ontario's conservation initiatives, is also against clean water.

My colleague the member for Perth–Middlesex, who actually does get good Ontario farm mud on his boots every day that he is in his constituency, is also one of people who put some authentic sweat equity into this bill.

Members who care about clean water will support Bill 43 because it's the first drinking water bill of its kind in Ontario, and Bill 43 made sure it invested real money to protect real drinking water. Bill 43's investments protect land and water surrounding water wells, and they protect land and water close to municipal water intakes. Bill 43 supports education related to source water protection.



This government and its members—urban, suburban and rural—are serious about clean water, and serious about a healthy and viable rural Ontario.

**Mr. Norm Miller (Parry Sound–Muskoka):** I'm pleased to comment on the speech by the member for Toronto–Danforth on Bill 43, which is the Clean Water Act. Unlike the member for Mississauga West, I'll have to go in defence of the member for Toronto–Danforth, because I'm sure he does support clean water, and I know he is very concerned about the environment.

I and the PC Party very much support clean water, particularly representing an area like Parry Sound–Muskoka where clean water and our lakes are so important to our quality of life and to the economy of the area. This particular bill had a lot of comment at the committee stage, and I note that many different groups are concerned with the process. I would concur; I would agree with that. I note that the Lennox and Addington Federation of Agriculture talked about the process, and they said at committee that “as we approach the adoption and implementation of the act, the public needs assurance that the MOE's approach will not be confrontational but rather that the MOE will approach individual landowners with a goal of assessing threats and hazards with the intention of working with the landowner to solve any problems, mitigate risks and hopefully control threats to a reasonable and acceptable level.”

I agree with that, and I would say in the last number of years, the Ministry of the Environment has become more like the police instead of working with organizations to assist them. I remember 25 years ago, in my past life as a resort operator, when the MOE was very helpful, but they have switched over time to become more or less strictly the police. I think that's the concern that was being voiced by the Lennox and Addington Federation of Agriculture.

I also noticed that Ducks Unlimited says this bill “is very heavy on process, regulations, enforcement, and fines.” Ducks Unlimited: Well known to be stewards of the environment.

**Mr. Rosario Marchese (Trinity–Spadina):** I want to congratulate my friend from Toronto–Danforth. From his eminently reasonable speech, anybody listening would have known that we are for clean water, and that we want to make sure this bill that's presented is the best that it can be.

You have Liberals standing up in this House introducing the weakest of bills, and they call them historic. Every bill they introduce is “historic.” It's hysterical to hear them say this over and over again. Yet my friend from Toronto–Danforth has made so many points, and I want to highlight just a few.

One them is the following: They're going to take five long years to implement this bill. By that time, this government will have been out of office. It may not even begin in their term; it might begin in the next. Even if they do get re-elected—God forbid—they may not even introduce it in the next session. Five long years: Doesn't it remind you of the Ontarians with Disabilities Act?

They said that bill will take 20 years to implement. That too, was called historic. Every bill they introduce is historic, and that's why people listening to this say it's hysterical.

**1910**

The other thing is, the Liberal platform made an unequivocal promise to make those companies that benefit from exploiting our water resources, such as bottled water companies, pay a royalty on that resource. Not only are we commodifying water, we're selling water. Companies are sucking out the water and selling it at a dollar a pop. We're not even saying to those companies, “You've got to pay some to extract that water that you're selling.” Broken promise—and they want poor municipalities to pick up the cost of implementation, monitoring and enforcement. They are broke.

What the member from Toronto–Danforth is saying needs to be listened to by Liberals, and the member from Hamilton East will continue with that debate.

**Mr. Jeff Leal (Peterborough):** I did listen very carefully to the remarks of the member from Toronto–Danforth, but I think we've got to set some history straight here. Who, in 1993, started the privatization of laboratories in the province of Ontario? The precautionary principle in 1993 was thrown out the window, and who was there to sign off on that cabinet decision? Oh, yes, the member from Kenora–Rainy River, the member from Nickel Belt, the member from Timmins–James Bay and the member from Trinity–Spadina.

I refer to the O'Connor inquiry. On page 412, he stated, in conclusions, “I am satisfied that the failure to enact a regulation mandating testing laboratories to follow a notification protocol at the time of privatization of laboratory testing services did increase the risk to public health” in the province of Ontario. Who was involved with that? My good friends to the right of me.

Let's look at what this bill has to offer: \$7 million to include the stewardship program that's enshrined in the legislation. Let's be very clear: That's just a down payment to start this process going. Included in the bill: \$120 million to do the science around the issue of source water protection.

In fact, we've put together a very distinguished advisory panel on the stewardship fund: Al Lauzon, the chair, University of Guelph; Ron Bonnett, who endorses our stewardship fund; Dale Cowan, director of agribusiness for the province of Ontario; John Maaskant, Chicken Farmers of Ontario, chair of the Ontario Farm Animal Council and co-chair of the Ontario Farm Environmental Coalition; Russ Powell, the chair of the Oak Ridges Moraine Foundation; Ken Seiling, board member, Association of Municipalities of Ontario; and Rob Walton, a professional engineer, chair of the Ontario Municipal Water Association. We've brought together the brightest and the best in Ontario to sit on this advisory panel for our stewardship fund.

**The Acting Speaker:** That concludes the time for questions and comments. I'll return to the member for Toronto–Danforth.



**Mr. Tabuns:** First of all, I have to thank all of my colleagues for their informative comments, and particularly my colleague from Trinity-Spadina for his impassioned defence of the position we're taking on this bill.

It was asked—no, it wasn't just asked; it was stated that the NDP doesn't support clean water. There is a party in this chamber that has problems with credibility on the environment. It's on that side of the House, and it is doing the best it can to throw up smokescreens. It is doing the best it can to market some of the weakest legislation we have seen and say that they're actually taking action.

If this government was going to protect source water, it would not have weakened the Nutrient Management Act regulations, as reported today by the Environmental Commissioner. If this government had a sterling record on the environment, we wouldn't be getting reports that say "Neglecting Our Obligations."

This government is not paying attention to what's going on with the environment of this province. It promised 60% waste diversion by 2008—no plan. It speaks about climate change—no plan. It talks about clean water—no money. No action on conservation, no incorporation of the precautionary principle—none of the elements that are needed to make this bill effective, elements that I brought attention to when I spoke to this issue in the House in April—no action except for weakening of the bill. This government is superb on marketing. I have to say, calling it the Clean Water Act was a good move. If I were you guys, I would have called it the same. But, frankly, it is not a clean water act; it's a sell job.

**The Acting Speaker:** Further debate?

**Mr. John Wilkinson (Perth-Middlesex):** Mr. Speaker, it's good to see you there this evening.

I have had the privilege over the last two years to serve two of our Ministers of the Environment: my good friend and colleague the Honourable Leona Dombrowsky, who was our Minister of the Environment, followed by the Honourable Laurel Broten. I spent a lot of time with Minister Dombrowsky during our time together in regard to the spills bill. The spills bill was an historic piece of legislation. It said, "If you spill, you've got to pay for it; not the taxpayer, not the people down the river." And we had a lot of resistance to that. But one thing we did is we listened to people. We took that bill out. We listened to people, and we made that bill stronger, made that bill better. And it is a framework piece of legislation.

I have had many debates over the last two years about the balance between framework and regulation, and I'll touch on that briefly. But in my time until very recently with Minister Broten, whom I admire a great deal, and someone I have known for quite some time as we journeyed in politics together, we worked together on the aptly named Clean Water Act, because all of us in this House, I would say before Christmas, are going to have to stand in our places and debate this bill, as amended. This bill has been through substantial consultation and

amendment, which has made it a stronger and more balanced piece of legislation. For, surely, our requirement here as lawmakers is to come up with pieces of legislation that are strong but balanced so that we are able to balance off the needs of various stakeholders.

It's a wonderful province. It's wide and it's diverse, and we always have to be wise to our responsibility as a government, whoever happens to be on this side of the House, as we look up at the great owl that, many of us have learned, faces the government side of the House to remind us that it is our job to be wise, as it is for the opposition to look across and see the great eagle and know that their job is to be eagle-eyed and to hold government to account.

It's very simple. We believe that we have reached that balance. So I'm very happy to enter into the debate on this bill, something on which I spent a great deal of time. I'm not in the Ministry of the Environment anymore; I was asked by the Premier to move on. But I wanted, and volunteered, to get into this debate because this is a bill that I lived and breathed since last December.

I just want to talk to you about my own impressions of the bill. Let's just go over what this bill does. It is a framework piece of legislation that at the heart of it listens to Justice O'Connor, who said that the best way to protect the sources of our drinking water is to have those people who share that water come together, whether they take it from the Great Lakes, whether they take it from a river or whether they take it from that great pristine aquifer under our feet, and, as a community, do what is required to ensure that, if there is any significant threat to their drinking water, those threats are mitigated.

I remember it was about half a century ago when in this province—and I distinctly remember that it was a Progressive Conservative government—we decided to bring in conservation authorities, when we decided that those people who lived in the same watershed, irrespective of their municipal boundary, had a common interest in managing flood water.

We don't allow people, for example, to build houses right in the middle of a flood plain. Why? Because we have a collective memory as a bunch of people who are in the same watershed that that's not a very good place to build a house or a business. We control those waters and we come together—that model of getting people who have a common interest together, irrespective of their political boundaries.

The watershed in my riding of Perth-Middlesex—we are at the headwaters of five different water systems in this great province, in my own riding alone. So I deal with five different conservation authorities. Why? Because the people who are in the same watershed have to work together, and it's a same thing with this bill. Those people who are drawing from the same sources of drinking water need to come together.

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The alternative—and I'm sure I heard this from the Progressive Conservative Party—was this idea that they thought O'Connor said they should amend the Environ-



mental Protection Act. We rejected that, because that would mean there would be a sense of rules and regulations which would be passed by the Ministry of the Environment, from on high in the great capital of Ontario, that we wouldn't listen to the wisdom of the people who have the common interest, but somehow we would try as hard as we could to craft regulations to fit every possible situation.

I know my rural members and I remember the mess we inherited from the previous government in regard to regulation 170. My God, that was one lousy regulation, and I don't know how much time we've had to spend on it. I give great credit to Minister Dombrowsky, who spent a great deal of time trying to get this right. She too is a rural member, so she understood it. I remember a Brownie camp from Kintore coming to me and saying, "John, we have to test our water every week, and we're only open three weekends a year." Why would we expect that of the Brownies? And we said, "Well, can we just say that we'll test the water when the people are there?" No, no. This regulation that was foisted upon us by a previous government said we had to test it every week. We've worked very hard to change regulation 170. I give credit to our ministers for being able to listen to rural Ontario because, faced with that, they decided the best thing to do was consult.

This bill is a framework piece of legislation, because it establishes the fact that those of us who share the same source of drinking water come together, that we have a common interest, that there's a committee that's formed. Based on some \$120 million worth of scientific work that's going on right now—last year, this year and for the next three years, completely uploaded and paid for by the McGuinty government—with that they will determine (1) terms of reference as a community, what it is that we need to accomplish given the framework of the bill; and (2) that there is an assessment report done that identifies all of the sources of drinking water and all of those threats, particularly significant threats. Then they come together and agree to a plan, and then they implement that plan.

At every step, the Minister of the Environment has a say, so that she is doing her responsibility for the province and ensuring that different source water planning committees are coordinated across this great province. At every step, people have the ability to appeal to the Environmental Review Tribunal. If they're not happy with that, they have the opportunity to go to court. There is no lack of due process such that people cannot be heard.

But I don't think there will be a lot of problems with that, because I think we've got it right from the beginning. From the groundwater up, we have this right. You put the people who share the common source of drinking water together, and they have the good sense and the common interest to work this out. They'll have disagreements, but I believe in people. I believe that those of us, particularly in rural Ontario, who know how to work together and how we must rely on our neighbour,

can come together as neighbours and protect our common sources of drinking water.

From this framework piece of legislation, we get to the point one day of having to implement that source water protection plan. We have made substantial amendments to the bill, and there are many we're very proud of. One of the things we did, and I thought was very good, was we talked about the fact that people had a concern that these kind of "building model inspectors," these people who would have power from day one, would come onto the property and say, "You must do this. You must be in compliance."

We changed all that after listening particularly to rural Ontario about having a risk management official. What could we do so that, when a person first came to see you because there was a concern expressed by the community through their source planning committee, we could work with the person to make that happen? Why would we do that? Because this government recognizes one immutable fact of rural Ontario: The very best stewards of the land and the water that flows over and under it are our rural landowners. No one has a greater vested interest than those people who have a calling to be stewards of their land. We recognize that by saying that, first, we must work with them.

It is a historic piece of legislation because, unlike other pieces of legislation, there's a clause that deals with the question: What if this piece of legislation is in conflict with any other piece of legislation? Generally, what happens is that you get one of these situations where there's always a question of who has jurisdiction, and nothing happens. In this bill, it says that whichever bill from this Legislature does the best job of protecting source water shall prevail. I think that—I speak to the great owl here—is a very wise way to deal with it, because it's very, very important that the purpose of the bill is always at the forefront, and I know the courts will interpret it as such.

I do want to get into the meat of the bill, because I think that the fact we have gone to the risk management official approach is the right one, and I'm proud of our minister for making that decision. I think she spent a great deal of time consulting with so many different stakeholders and so much of her own personal time listening to people. She didn't always agree with them, but she was very, very respectful. People were able to marshal their arguments as to why we should do these things, and they prevailed, and I want to say congratulations to them.

I think there are some people who are actually, and I'm somewhat shocked by this, going to vote against the Clean Water Act. Surely to God, upon reflection, knowing that there's an election imminent, every member of this House, after all of the rhetoric we've heard from all the leaders about how they support the intention of the bill, when they have the choice with this bill, as amended—when it is called at third reading, that will be a recorded vote. People back home will want to know:



Did you support the bill, as amended? I think it is a strong and balanced piece of legislation.

There continue to be these great myths that are being spread, I say to my friend from Essex, perhaps even for some vaguely partisan intention. I could be wrong here, but I just get that certain sense that maybe they're being somewhat partisan about this and about the misrepresentation that could happen from the bill. I think that's a distinct possibility in this situation.

I want to talk about the precautionary principle, because I know my friend from Toronto—Danforth spoke to it in his remarks. This bill is inherently precautionary. If you read Justice O'Connor, when you talk about the need to have a multi-barrier approach, it isn't one piece of legislation; it's the entire community coming together do what needs to happen, which is to protect our sources of drinking water. But that's not enough. We also have to treat our drinking water and we have to distribute our drinking water.

I know what happens when that doesn't happen. In my own community of Stratford, when there was an accident and chemicals were injected into our water supply, that water was pure at its source, that water had been treated, and it was subsequently contaminated before it got to people's taps. Fortunately, because of the wonderful response of our local community, we averted a tragedy. I distinctly remember hearing compelling testimony in Walkerton when we were on committee. I remember saying to the good people of Walkerton, "Because of the tragedy and the hard lessons that were learned, you saved lives in my hometown of Stratford." I thanked them, because it meant a great deal to us.

I know that my friend Mr. Tabuns said that there's no provision in this bill to conserve water. I disagree with him fundamentally. Perhaps, as a new member, he hasn't had a chance to read the bill. But we say that there has to be a report for each and every watershed, both on the quantity and the quality of water—not just the quality, but also the quantity. Inherently, this bill deals with the issue that our drinking water is not an inexhaustible resource if we don't treat it with respect and value it.

I also remember being in Walkerton. I think the deputy mayor there was talking to us about the fact that, although in Alberta they may have billions of dollars of oil underneath their feet, in this province we are blessed, he thought, with having a trillion dollars worth of clean, pristine water, in a world that will need more and more of it. That's how he valued it, and we agree, under free trade, that we would never commodify it. But what he said was that that is a wonderful resource of ours.

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I want to share with my friends, particularly our friends in the official opposition—you know, you have to be careful of the friends that you make in this place. After we amended the bill we were able to receive support from OFEC, OFAC, AMO, OFA, Conservation Ontario, from a lot of the NGOs for the environment. But I distinctly remember a chap named Randy Hillier. He spoke to us in Cornwall. I don't know Randy very well,

but I know Mr. Tory said that he didn't endorse Mr. Hillier but he thought he had some good ideas. I remember him saying that. I just want to share with all of the members, those of us who believe in democracy, his testimony. We were in Cornwall. He says: "The last page is the consequence should you not recognize the solutions"—in other words, what Mr. Hillier wants. "All this legislation that is coming down on rural Ontario is showing contempt for us; it is showing disdain for us. When there is contempt and disdain by government to the people, there is only one consequence...: It builds hatred, and from hatred in society there is a far worse consequence. Violence is the only thing that comes out of hatred."

Like a lot of members here, I know, I go to grade 5. Grade 5 students study government. We go to them because we represent the people, and we talk about the wonderful career that we have here serving the people. We talk about democracy. In democracy, when we have a vote, it doesn't make everybody happy. But what is it? It is fair. Do we therefore, then, tell the kids in that school in Grade 5, "If there's a vote in your class as to what is the nicest picture or what we're going to have today for lunch, if you lose that vote or if you don't get your way, you're supposed to go out in the schoolyard and beat up, resort to violence, be a bully, get into a fight to get your way"? We don't do that in a democracy, and those people who want to go on the record and say that they feel their only choice is violence, we say to them, "No." And I say to their friends in this House, you should be very careful of the friends you are making and keeping.

I asked Mr. Tory to explain to us, since he doesn't endorse Mr. Hillier but he thinks he has some good ideas, is this one of the good ideas? Is this a good idea? Is that what the Leader of the Opposition thinks, that if people come here and say that if they don't get their own way, they have no choice but violence, when we are here in the house of democracy? I would say that I actually had—

*Interjections.*

**Mr. Wilkinson:** In spite of the fact that I had some reservations about his testimony, in a free society—

**The Acting Speaker:** Take your seat for a moment.

I need to be able to hear the member for Perth—Middlesex, and I would ask all the members of the House to come to order so that I can.

I return to the member for Perth—Middlesex.

**Mr. Wilkinson:** In the greatest of parliamentary and democratic traditions—and that's the point that I'm making. The point that I'm trying to make here is that we have to turn down the temperature and say to those people who want to stir people up for partisan purposes that this is a bill that our constituents are going to want to know, "How did you vote? Did you vote for it, or did you vote agin it?" If you are going to vote agin it, I say to my friends on the opposite side, is it therefore your platform that if you were to by chance form government, you would repeal the Clean Water Act? Is that the position of the official opposition? Is that what they're going to say?



"When we had a choice to vote for clean water, we voted against it, and when we form government you can count on us to repeal it, because we don't believe there should be source water protection. Instead, we're going to do some airy-fairy amendment to the Environmental Protection Act. We're going to open that up."

We don't believe in that. We believe, as I said, that the people who drink the water need to come together. They're the ones who need to work together. If you're going to have some friends on this bill, you'd better be very careful about which friends you're making and which friends you're losing out there in Ontario, because the people have a great sense, a very good sense, of where parties are.

*Interjections.*

**Mr. Wilkinson:** I hear them howling, because I think perhaps I may have hit a central point that they're going to have to debate in their caucus: "Do we or don't we?" I can tell you that on this side of the House we are going to vote. To each and every one of us in our caucus, we are proud of our minister, we're proud of our government, of what we're doing. Why? Because we listened to the people. There has not been a single major piece of legislation from the McGuinty government that hasn't been amended, because, unlike other parties who used to ram pieces of legislation through this House and think that they did not have to listen to the people, we've listened to the people because we have a government that is balanced and principled.

I want to say to all of my friends, I look forward to standing in my place, looking across the way and seeing which members are going to stand up with us and for clean water and which ones are going to vote against it. It will be interesting to run the next election on those platforms.

**The Acting Speaker:** Questions and comments?

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** There's one thing I do agree with you on. There has been a lot of legislation come out there, and you've had to amend it all. You've made mistakes. You could never get it right the first time, and that is so true.

Let's look at this bill: 200-and-some amendments. That's mistakes you made. You can't even get it right. And you're absolutely right: All your bills are wrong. You have to amend them and you don't even get it right then. Now, in this bill, you haven't got it right and you're just over there saying that anybody who's against this bill is against clean water. Well, that's the way you think over there. You can't get it through your dumb skulls over there that just because somebody votes against a bill that's wrong, they don't agree with it. That's your way of thinking. Unfortunately, you don't know what's happening over there.

I can tell you right now, when we become government we won't scrap this bill. We'll make it better; we'll amend it to make it better. We'll do the proper amendments that should have been done when you were in government. But unfortunately, you're so into yourselves, giving yourselves hugs over there, and "We are so

proud," that if you don't get over that proudness, you'll be sitting over here and in no time you'll be saying—that's what happens when you get this proudness. You're so proud of your minister and you're so proud of this, you forgot about the real people out there you should be listening to, and making the proper amendments.

This bill will certainly hurt rural Ontario, and you know that, and your rural members are all hiding. I guess they're not so proud. I don't hear them all out there proudly. Well, there may be one out there, and I guess there's the odd proud one over there, but I want to tell you, if I sat as a Liberal on all the things you've done to rural Ontario, you can't be too proud over there, let me tell you that.

With all these amendments, that means it should go back out to the people again. You got it wrong the first time; you had to amend it 200-and-some times. So let's send this bill back out to see whether the people you're talking about think it's any good. That's what you keep telling us: "Oh, we go and listen to the people." But now you've changed the whole bill; you don't want to listen to them. You say, "No, we're going to ram this through, and if you don't support it, you don't like clean water." That's the way you think over there, and that's really unfortunate.

**Mr. Marchese:** The member from Perth-Middlesex says, "We listened." If only others could listen as well as he does. If only others could listen as well as Liberals listen. New Democrats introduced 70 amendments. The Liberals listened so, so well, they adopted two.

*Interjection.*

**Mr. Marchese:** My friend Mr. Bradley says that two is good. So I don't know what a poor listener is. If a good listener only adopts two, what is a poor listener? One.

Secondly, I wonder what the member has to say about the 2003 Liberal platform promise, and it was an unequivocal promise: to make those companies who benefit from exploiting our water resources, such as bottled water companies, pay a royalty on the resources, as is the case in other resource sectors.

It was a clear promise. I know the Liberals are saying, "Please, try to forget what we said. Just focus on what we're doing. Those promises—we moved beyond them. We transcended promises. We're moving into another arena, another area of advancements."

They are extracting water from the earth, sucking it out, these companies, and the Liberal government says, "We love water so much, we're going to let the companies take it out and sell it for a dollar a pop." You know those little water bottles—\$1 a pop, in some cases \$2, depending where you are. The member from Perth-Middlesex says, "Water is such a wonderful resource—we've got trillions of litres of water—that we will allow companies to take it out, and we're not going to tax them, contrary to the promise we made." That's how much they love clean water. Think it through, John, think it through.

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**Mrs. Carol Mitchell (Huron-Bruce):** I want to rise and support today the good member from Perth—



Middlesex and just acknowledge that I will be supporting Bill 43. But I do want to add to some of the comments that were made by some of the other members, and more specifically the comments made by the member from Bruce-Grey-Owen Sound. When you talk about our government and what we have done for rural communities, clearly it has been demonstrated that these are local solutions. You talked about real people. The people who sit around the table working on the source water protection plans are the people who have been dealing with water sources for over 50 years in all of our communities. The people understand; they know the system. They're applying the knowledge they have and moving forward with the plans. So it is a true local solution, and we are allowing that to evolve.

One of the things that I want to recognize too is that our government has gone out, we have listened to the people, we are working with the people, and we recognize the financial hardships and contribute money to that.

The member from Bruce-Grey-Owen Sound talked about the good work they did. Let's talk about nutrient management, and let's talk about reg. 170. I know the member from Bruce-Grey-Owen Sound lobbied very heavily to get a lot of that changed. But you know what? Bottom line: It didn't happen. Our government came in, and 170 was changed. With nutrient management plans, we recognized the financial hardship of the agricultural community, and dollars were applied to that.

When we look at source water protection collectively, at what we can do in our rural communities to make them strong, this is a part of it, and recognition has been given. We will continue to support the rural communities, the ag communities, to ensure that their products and the tools that they have to use are going to make our food safe and our water clean.

**Ms. Lisa MacLeod (Nepean-Carleton):** It's a pleasure to actually rewrite the fiction that's been written and spoken on that other side, because this bill is an abdication by that government of its provincial responsibilities on the backs of our municipalities and our rural landowners. At the outset, it was us on this side of the House who recognized that this bill, the Clean Water Act, was fundamentally flawed. In fact, that is why we urged in this Legislature for you to go out and publicly consult the people. It was only then that the Liberals on the other side heard from the people—the people they're ignoring; the people, I might add, they mock, if you can believe it, in this Legislature because they have a different point of view than they do. They are going to continue to ignore them, and they obviously have continued.

Thanks to our side—Laurie Scott and others in our caucus—there was public consultation, and over 200 amendments to this fundamentally flawed bill were put before the committee. Unfortunately, the shame in all of this is of course that none save two of the opposition resolutions were accepted. In fact, over 100 amendments from the government on its own piece of legislation passed. This bill is flawed. The sheer number of amend-

ments made by this government is an admission of the fact that the Liberals have to agree that this bill is flawed.

The biggest flaw in this bill is funding. I heard it from my own constituents this weekend at the Metcalf Fair when Terry Otto of the OFA told me that they need financial assistance. In fact, the \$7-million support program that was introduced by the minister was simply a deflection, a mere public relations game. This legislation requires long-term and sustainable funding, but sadly there is not an admission by the people on that side, and there will be none, for our rural landowners in our municipalities.

They should put it back to the people. This piece of legislation should go out for further consultation, after they've basically rewritten it—and they've done it with several bills this summer. They'll say anything and do anything to get elected, and that is all this bill is.

**The Acting Speaker:** The member for Perth-Middlesex has two minutes to respond.

**Mr. Wilkinson:** First of all, I want to thank my good friend from Huron-Bruce, my neighbour, and also the members for Bruce-Grey-Owen Sound, Nepean-Carleton and Trinity-Spadina. I want to say on the record that I enjoyed working with your colleague Mr. Tabuns on this bill, but I want to say to my two friends from the official opposition: I didn't hear you say that Randy was wrong. Isn't that amazing? Did you hear that? I didn't hear anybody get up and say that somehow they thought Mr. Hillier was all wet on this, that he should go to Hansard and say that their only choice was violence.

It's interesting because I think the opposition are unhappy because they criticized the bill, we amended it, and now they don't know what to do. We actually fixed a lot of this bill, because we don't start, like they did, with the idea that we're perfect. We need to listen to people. So we set out that framework. I'm going to be very interested in entering into this debate because at the heart of it, what I want to say, and I want to remind people—and I say to the member from Nepean-Carleton—and I'm sure Mr. Bonnett, the president of the OFA, who's on the minister's advisory committee, is quite unhappy to hear your comments. I'm sure he will find it interesting about how the OFA came to all three parties and said we needed to amend the bill, that we needed the drinking water stewardship fund.

I want to thank our Minister of Education, Kathleen Wynne, the member from Don Valley West. I want to thank Dr. Kuldip Kular, the member from Bramalea-Gore-Malton-Springdale. I want to thank another one of our urban caucus, Khalil Ramal, the member from London-Fanshawe. They were great supporters of our rural caucus about the need to change that. They themselves realized that we needed to do that, and now after we do it, what do we hear from the opposition? "Oh, we're very unhappy."

*Interjections.*

**The Acting Speaker:** Further debate?



**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** It's good to finally get the opportunity after you had to wait so long for those rowdy rascals to quiet down here.

Anyhow, it's a pleasure to rise and speak to Bill 43, the most gigantic download in the history of the province of Ontario. This government talks about how they promised when they were running for office that there would be no more downloading in the province of Ontario. We know that that hasn't happened. They have downloaded, and now they're proceeding with the biggest download that rural Ontarians will ever see.

They talk about the amendments that they put forward—\$7 million for a stewardship fund. As my friend from Bruce–Grey–Owen Sound said, “That might take care of my county or it might take care of his county, but it won't take care of the other 101 counties in province of Ontario.” They seem to think that they've got it right now.

I get a kick out of the member for Peterborough. When this bill was first brought to the House, the member for Peterborough says that everybody should be supporting this bill. It's in Hansard here. He was a big supporter of this bill. The member from Peterborough just thought this was the greatest thing since sliced bread. Then we're at the committee hearings in Peterborough, and we get presented with a letter to a constituent from the member from Peterborough saying, “I need your help. Help me. Work with me so we can stop this bill.” Oh, yeah, so we can defeat this bill.

So, here we are now today, and when I asked the member for Peterborough the other day, “So are you going to vote against it now?” He says, “Well, I would have if they hadn't come up with \$7 million.” So not only have they bought off the member from Peterborough, I know they've bought off Ron Bonnett too. Oh, yes, Ron Bonnett is a big supporter now.

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**Mr. Dave Levac (Brant):** On a point of order, Mr. Speaker: I'm absolutely convinced that the language that was used in terms of buying off a member was inappropriate, and I would like to have it withdrawn.

**The Acting Speaker:** I would ask the member for Renfrew–Nipissing–Pembroke to withdraw that remark.

**Mr. Yakabuski:** I withdraw that remark.

**Mr. Wilkinson:** But leave the one on Bonnett.

**Mr. Yakabuski:** Oh, it's there. I'm good with that one. Look, the man has been a Liberal supporter for years, and now you guys are happy; you've got him in your stable. But you know what? The farmers across this province, those who hold the cards that say “OFA member,” haven't signed off on that. They don't support what you're doing for \$7 million. I know; I talked to the farmers in my riding, and they think this is a joke. This \$7 million is a cruel joke on rural people in the province of Ontario.

You know why this bill is here? This bill is not because this government cares about clean water more than anybody else. We all care about clean water. I trust that I'm drinking clean water here. This is about the

politics of this government, where they continue, at every opportunity, to drive a wedge further between urban and rural Ontario. They know that this legislation is something they will be able to sell very easily to urban people. In fact, the Great Lakes aren't even part of this bill, so the water system in Toronto is not affected by this bill. But your water up in Renfrew or Owen Sound or Meaford or Listowel? Yes, it's affected, and those municipalities, those landowners and those farmers are going to pay, because \$7 million doesn't even scratch the surface. Somehow they think that for \$7 million, they're going to make a bad bill good.

As Justice O'Connor said, we have the tools at our disposal under the Ontario Water Resources Act and the Environmental Protection Act. I was amazed that the member from Perth–Middlesex said, “We don't believe in the Environmental Protection Act.” I couldn't believe he said that. So I've got to believe that maybe they are looking at some huge amendment there as well.

Let's look at the amendments to the bill. I asked the members, or somebody asked them, when we were at committee hearings, to talk about some of these things. I say “things,” because you'll remember that about 1982 or so, John Carpenter had a movie called *The Thing*. It was about this entity or being or creature that changed its shape and changed its image. Well, I tell you, this bill is certainly *The Thing*, because it has changed dramatically.

Let me read part of it here for you. Let me read some of the references here, under “use of force”:

“A person authorized by a warrant under subsection (10) to do anything set out in subsection (1) or (7) may call on police officers as necessary and may use force as necessary to do the thing.”

Then: “... a receiver or trustee in bankruptcy is not required to do the thing because of subsection 71(5)... each person required by an order made under section 55 to do the thing... to each person required by an order under section 72 to permit access for the purpose of doing the thing; and if a receiver or trustee in bankruptcy is not required to do the thing because of subsection 71(5), to the receiver or trustee in bankruptcy.” We could go on, but there's reference after reference in this bill about “the thing.”

**Mr. Marchese:** We need to define “the thing.”

**Mr. Yakabuski:** We couldn't even get a definition from the then parliamentary assistant as to what the hell “the thing” was. There was no answer as to what “the thing” was, and there are so many undefined “things” in this bill that it leads one to ask the question, “What really is going on here?” And we are supposed to stand back and say, “Let's just trust these Liberal things when they bring out regulations; everything's going to be fine in rural Ontario”? In my opinion, they've got another thing coming.

**Mr. Marchese:** That's right. The Thing from Fantastic Four; that's the thing.

**Mr. Yakabuski:** There's another thing, yeah.



I was speaking to a distinguished constituent of mine the other day, a parliamentarian of over 30 years. Do you know what he said to me?

**Mr. Marchese:** Your cousin?

**Mr. Yakabuski:** No. He said to me, "John, something has got to be done about how government is driving a wedge between rural and urban people."

**Mr. Wilkinson:** Not Randy Hillier?

**Mr. Yakabuski:** No, no. As I said, it was a parliamentarian of over 30 years. You all know who that would be. And he was a Liberal member of Parliament. When they start saying these kinds of things, it is kind of sad that they recognize what this government is up to in the way it deals with rural Ontario and its problems. They're looking at the votes, but if I were these rural members sitting in this Liberal caucus, I'd be a little worried about this.

**Mr. Wilkinson:** Oh, we're feeling a lot better now.

**Mr. Yakabuski:** Oh, yes: \$7 million. You think your people are that gullible? I can tell you, they're not.

Down payment: The Liberals are always talking about down payments. You know what? As they said in Jerry Maguire, show me the money, because people have heard from you so many times about what you're going to do, and you don't do it. People in this province have just about had it. They've had it with a Premier who can't seem to get it right in the health system: \$2.5 billion in health care taxes, but we've got ERs closing across this province. We've got ERs closing in this province under Dalton McGuinty's watch, and that is quite shameful.

Rural people deserve fairness from this government. I'm not going to say everything is bad; that's not the case. In fact, I had the opportunity this evening to sit down and chat with the Minister of Agriculture. She's a rural member herself. I had a chance to bring to her attention a specific problem that a constituent of mine is having. She has agreed to look into it, and I believe she's going to. I trust that she's going to come back with some kind of a solution for this person because I think she genuinely understands it. Here's a person who needs some help and we have the capacity to possibly do that, and I appreciate that. I appreciate when things happen in my riding which are positive things, like highway work and stuff like that. That's important. We work with the people in the government to ensure that those things can happen. But at the same time, when you reach a point on a certain issue that you have to stand up and be counted and say no, that is exactly and precisely what you must do. You must stand with your people; you must stand with the rural people of this province who are being led down the garden path on this piece of legislation.

You talk about somebody who has been naming the people who are supporting this thing. I'll tell you, when the eastern Ontario people had their meetings in Kingston a few weeks back, they left with the position that this bill was the most dangerous thing for rural Ontario they had seen come out of this government yet.

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They simply have no idea of the damage and how much this could do financially to people in rural Ontario, because there is no bottom line. There's no end, no stop; the clock keeps ticking. It's a blank cheque, and it's the people of rural Ontario who are being hit harder than anybody else. No matter what happens, the rural people get it hardest. When taxes go up, the rural people get it worse. When hydro rates go up, the rural people get it worse. When any kind of fees go up, the rural people get it worse, and do you know why? It's because they simply don't have the level of income to be able to absorb those kind of shocks.

When these people who make all kinds of money get told, "You know what? It's going to cost you a few hundred dollars more this year to do this or to do that," it doesn't matter. It doesn't matter. But when people in my riding are told, "You've got to pay this," and it comes out of Dalton McGuinty—sorry. When it comes out of their pocket going to him, but the edict and the rules come out of Dalton McGuinty, they are hurting. That hurts them even more, because they don't have the cushion to absorb that.

Look, some of the people who came to visit us in Peterborough gave very, very articulate submissions, some of the people who, quite frankly, the Liberal members ridicule and dismiss as being of little consequence, or not important, or whose opinions are simply not to be listened to. They spoke, many of them representing landowners, many of them representing farm groups directly. They spoke at those Peterborough hearings, and they spoke in an articulate way about how this was going to hurt them.

We got over 200 amendments proposed to this bill and about 100 or so passed, but many of them are quite insignificant. They are simply changing the words from "the minister may" to "the minister shall"; or from "the minister shall" to "the minister may"; or instead of "the minister can," "the minister must approve." Stuff like that is basically window dressing.

The big issue is that Justice O'Connor said that if you're going to bring water protection legislation into this province—and I think it's recommendations 13 and 16—you've got to pay for it. You can't just say, "We're going to throw \$7 million into the pot and the whole world's going to be okay." Well, that's not what it is.

**Mr. Wilkinson:** We didn't say that.

**Mr. Yakabuski:** Well, what are they saying? What are they saying? Are they saying it is a down payment? You tell us what the mortgage is then, Mister, because the people in rural Ontario can't afford the monthly payments on that one.

*Interjections.*

**Mr. Yakabuski:** They want to be able to take this bill for the next election and say to people in Toronto, "Look what we've done. We've passed the Clean Water Act." But you know what? This bill is not about protecting water; it's about protecting those Toronto seats, and the



people in rural Ontario are the ones who are going to pay the price.

But I can tell you that those Liberal rural members who think that their support of this bill is going to go over well in rural Ontario had better think again. The people in rural Ontario are not supportive of this legislation.

*Interjection.*

**Mr. Yakabuski:** They are supportive of clean water; absolutely right. They are supportive of the protection of water; yes. They are not in support of this bill, where you make all the rules, you make all the decisions, and you hand the people of rural Ontario the bill. This is not acceptable and will not be accepted.

As Bonnie Clark, representative of the Peterborough County Landowners Association, said—

*Interjection.*

**Mr. Yakabuski:** Are you ridiculing landowners? I ask the House leader, are you?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** No. What landowners?

**Mr. Yakabuski:** Don't be ridiculing landowners. You know that? It's shameful the way you ridicule people in here. That's kind of sad, really, because those people work hard and take care of that land. They nurse and protect it, and they are worried about the resources on it, too.

I ask you, as elected representatives, to take a step back from Bill 43, a bill that represents proposed legislation that is flawed, a bill that legislates reverse onuses being placed on individuals. We feel the responsibility for clean water needs to be collectively addressed with collective dollars. So what are we doing? No. We're putting it back to individuals, and we're putting it back to municipalities, the municipalities that were told they would not get any more downloading under this government. Shame. Shame.

They don't have any idea what the cost of the actual enactment, follow-through and implementation of this legislation is going to be.

**Hon. Steve Peters (Minister of Labour):** What you guys did on Bill 81—

**Mr. Yakabuski:** The Minister of Labour is concerned about some other bill which I don't have in front of me right now. Quite frankly, he should be more concerned about those people in his riding who are upset about Green Lane. That's what he should be worried about, not Bill 81. You should be worried about Highway 401, because you might have to take it out of your riding somewhere after the next election. That's what you should be worried about, I say to the Minister of Labour, because I'll tell you, those people in London who wondered why their members didn't stand by and didn't inform them about what was going on—secret backroom deals and—

*Interjections.*

**The Acting Speaker:** Would the member please take his seat?

*Interjections.*

**The Acting Speaker:** I would like to ask the House to come to order.

**Mr. Yakabuski:** I've lost all my time.

**The Acting Speaker:** No, no. Just relax.

Would the House please come to order so I can hear the member from Renfrew–Nipissing–Pembroke who has the floor?

**Mr. Yakabuski:** I try so hard to present an argument in a reasoned way, and it's just so hard to get over the shouting sometimes. But I am heartened to hear that the Minister of Labour is calling on all challengers to come and take his seat in the next election. He is very, very confident that he's got that won. Well, maybe the people of London will have a different opinion on October 4, 2007.

I can tell you I would never be so presumptuous to think that I can take for granted the support of my people in Renfrew–Nipissing–Pembroke. You've got to be out there earning their trust and their support each and every day of the year, and I intend to continue to do that. If I step out of line, I hope they will let me know, and I'll do my best to get back on course.

**The Acting Speaker:** Questions and comments?

**Mr. Marchese:** I want to say that I have some sympathy for some of the arguments put forth by the member from Renfrew–Nipissing–Pembroke, and I'm going to tell you why. I'm also going to announce that the member from Hamilton East will speak in approximately five minutes, and she will talk about many things, including the fact that the government has literally rewritten this whole act. I have rarely seen a bill completely rewritten, which leads me to believe they did not have a clue what they were doing to begin with. How many amendments were there—100 or so of their own amendments they've brought forth? This whole bill is completely rewritten. The member from Hamilton East is going to talk about that.

But with respect to the issue of financing, this government has decentralized control over the implementation, monitoring and enforcement of the source protection plan. It's going to cost money. You cannot deny it, all you fine Liberals. You cannot deny it. It's going to cost somebody a whole heap of money.

**2010**

Municipalities are saying, "We're broke." Municipalities are saying to the provincial government, "We're paying for soft services such as public housing. We're paying for welfare," in most parts of Ontario. In some parts of Ontario, they're paying for child care. They're paying for transportation unlike ever before. They're paying for ambulance services. They're broke. The taxpayers at the municipal level can't bear the burden of these soft services, and then you say to them, "You're going to have to pay for implementation, monitoring and enforcement of the source protection plan." And they're worried. New Democrats are worried.

Farmers, like municipalities, are concerned about the cost imposed by the source protection plan on affected landowners and would like to see a fund to offset new



costs of compliance. They're worried about who's going to pay. You should fix it.

**Mr. Wilkinson:** I go home and I turn on the tap. I don't know about you, but when I turn on the tap, is that water free? Or do I actually get a bill from my local utility that says, "It costs a little bit for us to get the water, to treat it and to get it to your house safely." We do that every day, but I think maybe there's a position developing that if we're going to do the smartest thing in the most cost-effective way, which is what Justice O'Connor told us, that we need to keep the sources of our drinking water safe, somehow the good people are not interested in shouldering any of that.

Let's look at the example of the county of Oxford. The county of Oxford came to our committee. I believe they testified in Walkerton. They have a very complicated water topography there, very challenging, just because of nature and how the county of Oxford is: many different aquifers, many different river systems. They estimated to us that it was about \$1.62 per month per water user for 10 years. That was what they told us.

I know that number got extrapolated out as a large number. But I remember being on committee, and I know that in second reading debate my friend Mr. Yakabuski said he had heard that it was some \$7 billion. I said, "Where did you get that from?" "Farm groups." Then we were in Walkerton, and the member from Bruce-Grey-Owen Sound said, "No, no, Mr. Yakabuski didn't get it from farm groups; he got it from me." So I guess maybe the good member is a farm group all by himself. You might want to go on a diet, then, if you're going to be a farm group. He said, "No; when I was at the Ministry of the Environment"—having the role that I had as PA—"that was the number." I said, "Who are these people?" And he goes, "Oh, I can't tell you that." I say to the member for Bruce-Grey-Owen Sound, and we've called on you before, if you've got numbers that you want to share with this House and not fearmonger, then you should table them, sir.

**Mr. Murdoch:** I shared them with you.

**Mr. Wilkinson:** Get me the names.

**The Acting Speaker:** Questions and comments?

**Mr. Robert W. Runciman (Leeds-Grenville):** In the last election, we only added two new members to the Conservative caucus. One of them was from Renfrew-Nipissing-Pembroke, and what an addition he's been. I served with his father; that says something about my age, I guess.

But I have to say that I'm really proud to serve with this member. He stands up and fights not just for his riding but for rural small-town Ontario. He's constantly there in the forefront on behalf of the people he represents and the people who care about rural small-town Ontario in this province, unlike the people who represent rural small-town Ontario in the Liberal caucus who've been written off by their own government.

We saw a vacancy in the cabinet recently. Whom did they appoint? Somebody from Toronto. Half the cabinet of the province in this Liberal government is represented

by Toronto members. It's a Toronto-centric government, and it shows in their policies constantly, day after day. We see—

*Interjections.*

**The Acting Speaker:** I'd ask the government members to please come to order, and return to the member for Leeds-Grenville to conclude his comment.

**Mr. Runciman:** We've seen it when they try to ban bake sales, when they try to ban church dinners. That's the kind of Liberal government we're dealing with. They don't understand or appreciate the traditions of eastern Ontario. We have signs throughout rural Ontario saying, "Back off, government. This is our land." You have to understand the intrusions of government and this government especially, this Liberal McQuinty government that does not understand or appreciate rural Ontario.

John Yakabuski is standing up for rural Ontario and the Progressive Conservative Party under John Tory is standing up for rural and small-town Ontario, unlike the backbench Liberals, who do not have the intestinal fortitude and will not stand up and represent the people who put them in office.

**Ms. Andrea Horwath (Hamilton East):** I look forward to having more fulsome comments when I get my opportunity to enter into the debate, but this is part of the questions and comments period.

I just want to say that many of the comments that were raised by the member from Renfrew-Nipissing-Pembroke were very to the point. It's about the fact that the government has had several kicks at the can when it comes to this piece of legislation. But when you look at this, which was actually introduced on December 5, it didn't even get to second reading until May 18, six months later. It went through second reading, and we have a bill that has got more strikeouts in it than anything I've ever seen in the entire time I've been here, which has not been a very long time, to be frank with you. Nonetheless, what it tells me is that the government was ill-prepared when they brought this legislation forward. They went through the committee process, hundreds of amendments came forward, and at the end of the day, we still end up with a bill that's not supported by the vast majority of people, not because we don't support the idea of clean water, as some would so spuriously suggest, but rather because we see this as a crying shame. We see this as an extremely major missed opportunity by a government that simply was asleep at the switch and forgot about all of the campaign promises they made, particularly the one that's most important, which is the one that would have enabled them to get a lot of the criticism that was brought forward by the previous speaker off the table: the simple matter of the water-taking fees that they promised in 2003, which they have not delivered on, that could have been in this bill. One of the strikeouts, one of the additions, could have been about water-taking fees. What would that do? That would help those rural communities, those municipalities, those conservation authorities pay for the source water protection plans that they



have to put in place. You lost the opportunity. You dropped the ball. Shame on you.

**The Acting Speaker:** The member for Renfrew–Nipissing–Pembroke.

**Mr. Yakabuski:** Thank you very much to the members from Trinity–Spadina, Hamilton East, Perth–Middlesex and Leeds–Grenville for their comments.

It is a fact that they really botched this one. This bill would never even have gotten to hearings if it wasn't for the work of our environment critic, Laurie Scott, and the PC caucus and the members of the third party to bring this bill to hearings. They wanted to just push this through the way it was. Can you imagine this? Even by their own admission, they had to put 100 amendments in it. They would have just shoved the whole thing through the way it was. The member for Peterborough thought it was a great bill before the amendments.

**Mr. Leal:** No.

**Mr. Yakabuski:** In Hansard, he was supporting it.

We forced this bill to go to the people so they could comment on it and try to salvage what was a real mess. What we got back was a dog's breakfast, edition 2. This bill, which has had to be amended 100 times, should go back to the people again. You haven't got it right. You won't get it right; you can't make a silk purse out of a sow's ear. You can't make anything out of this. You've got to start over, on the principle that people in this province are going to be treated fairly, and that if something is in the best interests of every citizen of the province of Ontario, then it should be the responsibility of every citizen in the province of Ontario to share in the cost of its implementation. It should not be simply borne on the backs of rural people because they don't have enough voices in that cabinet.

2020

**The Acting Speaker:** Further debate?

**Ms. Horwath:** I'm going to try to moderate my voice. There was quite a standard set by the previous speaker, but I tell you right now—I've experienced this in this place here once before—if I speak in too loud of a tone, I will lose my voice. I don't want to have that happen, because I have some important things that I need to get on the record in regard to this legislation, which the government is calling a Clean Water Act and which we really consider to be a disappointment act, from our perspective.

We believe that there were many, many opportunities that this government had to do exactly what needed to be done to actually address some of the criticisms that the Environmental Commissioner of Ontario raised in his report *Neglecting Our Obligations*, which he released today. And you know what? We are going to continue to neglect our obligations if we continue to neglect our opportunities. That's exactly what this government did: It neglected its opportunity to put into place in Ontario a system of source water protection, a system for making sure that that source water protection was properly funded and properly accountable so that we could rely on clean water for the province of Ontario many decades

into the future. Instead, what happened was, they've tabled this legislation, Bill 43. I mentioned a little earlier on that they tabled it in December of last year. It got to second reading in May of this year, it went through a committee process, and here we are at third reading tonight.

I have to say, one of the things that people who have gone through the process of this bill will know is that we in the NDP caucus are privileged to have a very effective environment critic speaking for us on the matters of this particular bill. Our critic has an astounding reputation. His reputation is unblemished in the environmental community. He has brought our caucus along in terms of understanding the nuances of this bill, to the point where we all agree that it's a sad state of affairs when a government comes forward touting this as a Clean Water Act when we all know very well, from the work of the member from Toronto–Danforth, that in fact it misses the mark by far.

I say that because there are many pieces of this bill where the government—in fact, my friend from Trinity–Spadina, Mr. Marchese, has said several times, “All you need to do is look at the bill.” Look at the amount of strikeouts in the bill. Look at the fact that these strikeouts don't even represent the 70, close to 80, amendments that our good friend from Toronto–Danforth, Peter Tabuns, tried to put on the table. Why did he put those amendments on the table? Not for any reason that's inappropriate, not for any particular desire to get under the skin of the government, not to give you any lessons about what the right thing to do in terms of source water protection is, but—

**Mr. Marchese:** To make it better.

**Ms. Horwath:** Exactly: to make it better, to make the bill an effective bill, to do the things that we all talk about wanting to do when it comes to protection of source waters in the province of Ontario. That's why those amendments got put forward. That's why our environment critic—again, a person who is very well respected in the environmental movement—took the time, didn't sit on his fanny, looked at the legislation, looked at it carefully, worked with our researchers, worked with people in the environmental community, and tried to figure out what was needed to make this bill pass the test of being a true and strong protector of source waters in the province of Ontario. And so we did: Mr. Tabuns, the member from Toronto–Danforth, put many amendments on the table. The government, in its wisdom—or lack thereof—saw the need to include only two of those almost 80 amendments that we put forward.

That's why, when New Democrats talk about Bill 43, we talk about it with a severe sense of disappointment, a severe sense of betrayal, a severe sense of anguish. The government, unfortunately, decided to play partisan and not take the real, appropriate, meaningful amendments at face value and include them in the legislation to make it better—not to make it better for us or for me personally, not to make it better for my friend Rosario Marchese from Trinity–Spadina, not to make it better for Peter



Tabuns or to make his reputation any better in terms of him being an effective environment critic for the NDP caucus; he put them forward to make it better for the people of Ontario. It's shameful that here we are talking about something you're calling the Clean Water Act, when we know very well that there are many missed opportunities this bill should have been addressing.

Mr. Tabuns has spoken very clearly about the specifics around where he sees the problems in the bill. I think it's fair to characterize this bill as a major letdown. I think it's a missed opportunity, and it's something we should all feel very sad about when we finally get to the point of the government and its majority moving it forward, as we know they're going to.

I think we all agree that source water protection is an important, necessary accomplishment that this province needs to have under its belt. Unfortunately, what we have in front of us doesn't quite pass the test. You know why it doesn't? Because there are many pieces of this legislation that are left to interpretation; there are definitions included in this bill that are simply not appropriately laid out, so that it leaves a lot to interpretation. We know what happens when things are left to interpretation: It weakens the intent. Why is the government content with having a weakened bill? I have no idea. That was certainly not what we as New Democrats were hoping would come forward when a bill was finally put in place.

Unlike the McGuinty government, we believe that all sources of drinking water, whether they're in the south, whether they're in the north or whether they're for municipal water systems or for private wells, deserve protection. Unfortunately, this bill doesn't cover off all of those areas. The government doesn't share that view. In this bill, it only talks about sources of water for municipal water systems, and only those that are in watersheds the province has with conservation authorities. The problem we have in terms of what the bill covers and doesn't cover is that it doesn't cover all source waters. It only hives off certain types of source water and talks about those types of source water for the purposes of protecting the drinking water across the province of Ontario. That's problematic, because we all know that, the way water systems and watersheds and water tables work, you can't hive them off and say, "This is one little area, so if we deal with this one little area, it's going to affect water quality across the province." It simply doesn't work that way. It's not logical. It's a patchwork approach, and it's one we don't support. It's one, in fact, that we know Justice Dennis O'Connor, in his report on the Walkerton tragedy, talked about, and his disappointment around the concerns about protection of sources of drinking water across the province that needed to be taken into consideration. In this bill, it didn't happen.

What happened when we put through the number of amendments we put through? They were ignored by the government. What is the most important one we wanted to see? It's hard to say; there were many. But my friend from Trinity-Spadina raised this already in his questions and comments earlier in the evening: One of the funda-

mental things you need to do if you're going to actually protect source water is get serious about the timelines, actually put in place timelines that are effectively going to make a difference sometime soon, not sometime later. That's a fundamental problem this government seems to have: They're unable to commit to doing something right now. They have to do something in the future.

I think the example my friend from Trinity-Spadina raised earlier was the example of the Ontarians with Disabilities Act. In that case, it's 20 years of implementation. People with disabilities have to wait 20 years until there's an accessible Ontario that they can feel is addressing their mobility issues in a way that is equitable to everyone else who doesn't have a mobility issue in the province of Ontario—or any other type of disability, for that matter.

#### 2030

Similarly, the government is saying, "It's good enough to wait for five years to implement source water protection, because you know what? Over the next five years, we don't need to worry too much. We know we have the right thing at heart." That's what they like to say, right? "We've got the right idea. We're committed"—isn't that one of the ones?—"to this issue. We're going to do something about it." When you read the fine print, they're not going to do anything about it anytime soon, and what they are going to do about it is hard to define because they haven't even bothered to solidify the definitions in the act. So everything is a little bit amorphous when it comes to figuring out exactly what some of the things are that they're planning on doing. But don't worry; they're committed to source water protection, just like they were committed to making sure that companies that are taking water and reselling it—bottling it and selling it, using that natural resource that we're so concerned about protecting—have to pay. That's what they promised in 2003. They said that water-taking fees were going to be implemented in the province of Ontario.

I didn't see that in Bill 43, I've got to tell you. I didn't see it in the original version that came out at second reading. Notwithstanding all of the strikeouts and the changes—and this very thick bill has many pages of strikeouts in it—I didn't see any additions, any amendments that included living up to that commitment of water-taking fees. Do you know why that's important? It's because it has become very clear through this debate and the process of committee hearings that the people who are going to be responsible at the local level for developing and implementing source water protection plans are those people, those municipalities, those conservation authorities, which, by the way, are funded in large part by municipalities, right?

We heard earlier from the member from Renfrew-Nipissing-Pembroke about—is it Renfrew? Is that right? Did I say it right?

**Mr. Marchese:** Yes, Renfrew-Nipissing-Pembroke.

**Ms. Horwath:** Okay.

We heard from that member his concern about the communities that he represents and their inability to



afford the implementation of this particular bill. The government doesn't seem to have a concern about that at all. So when I say that there's a missed opportunity, it's a combined double whammy, because it's not only a broken promise but also a missed opportunity, and the effect of that is to put a huge financial burden again onto the municipal level.

Does the government not hear when municipalities come, year after year, cap in hand, begging for support from the provincial government because they simply cannot afford to keep up with the ever-growing costs at the municipal level that are being foisted on their municipal taxpayers, who simply don't have the elasticity in their budgets to be able to cover off those costs? Are they unaware that when they put this kind of legislation in place and then refuse to implement the very promise that would have covered off the cost of putting this protection into place—

**Mr. Marchese:** Implementation, monitoring and enforcement.

**Ms. Horwath:** The implementation, monitoring and enforcement, right? How shameful is that? How irresponsible is that and how doubly irresponsible is it that we've been telling you that amendments have come forward, that we've been reminding you in case you forgot about those promises, about those obligations, about those realities at the municipal level, the lack of affordability, the lack of ability to implement this wish list of things that need to be done.

It is absolutely a huge, huge disappointment that we're debating this bill in the form that it is now. One of the things that our member from Toronto—Danforth has mentioned many times—and it's worth just going over one last time because I have the chance to do so—is the fact the bill leaves wide swaths of language uninterpreted. It leaves a number of terms undefined, terms like “groundwater recharge area,” “highly vulnerable aquifer,” “surface water intake protection zone,” “wellhead head protection area,” “vulnerable area.” They're undefined. They're being left to regulation.

Even at this point in time, as we're finishing up third reading of this bill, we don't really know what we're voting for. People don't really know in this Legislature what they're supporting because the government has refused to define in the legislation the very meaning of these phrases that they have inside the bill. Do you know what? That means the government really, in effect, is saying, “Oh, just trust us. Just trust us. We really believe in clean water. We believe in source water protection. You've got to trust us.” Well, I don't know about many other people in Ontario, but this government has not engendered trust as one of the touchy-feely kinds of emotions that I would have. “Trust us to break another promise”? Maybe. “Trust us to go back on our word”? Maybe. “Trust us that we're doing the right thing by the people of Ontario by not defining the terms in the legislation appropriately”? I can trust that, because that's probably what's happening here. They're purposely not defining the terms in the legislation so that they can get

away with less than what people deserve and expect in Ontario when it comes to source water protection.

So the “trust us” in this legislation is a huge hole, and we are certainly not in a position, not in this caucus anyway and not in most communities across Ontario, to be able to take at face value this legislation and say to the government, “We trust you.” Why would we, after three years of broken promises? It's funny, particularly because, when you look at the government's record on environmental issues, you have to wonder why we would trust them on this particular legislation.

I've already talked about the issue of the lack of fulfilling their promise, which should have been in Bill 43, around water-taking fees. But what about the Oak Ridges moraine and its importance in terms of source waters to the greater Toronto area? The moraine contains headwaters of 65 river systems, 35 in the GTA alone, and has a wide diversity of streams, woodlands, wetlands, kettle lakes, kettle bogs, and significant flora and fauna. You can tell I got that from our friend Peter Tabuns. That's his language, his ability to talk about these issues in a very descriptive manner. The moraine's sand and gravel deposits act like a giant sponge which absorbs rain and melting snow, but these aquifers filter and slowly release fresh water to those 65 streams that flow into Lake Simcoe, Lake Scugog and south into Lake Ontario, the drinking water source for 250,000 residents in the GTA.

The greatest, absolute, most significant threat to the function of the moraine is the inappropriate land uses on and below the surface, particularly in the headwater areas. People will recall that there were real promises that the McGuinty Liberals made around the moraine. And guess what? No sooner did they get elected but they started to backtrack on those promises, and they failed to stop the development of a 6,600-unit subdivision that was slated for Oak Ridges moraine. That's the very same moraine that serves the drinking water of Toronto. So how can it be, then, that we are expected to trust the government when not only do they break every other promise in their election platform—I think we're going to be debating that tomorrow, as a matter of fact—but, even on the very environmental issues they pretend to be so committed to in their language, it doesn't show up in their actions? It doesn't show up in their actions on the Oak Ridges moraine. It doesn't show up in their actions in terms of Bill 43, in terms of water-taking fees, in terms of making sure that the legislation is iron-tight, because it is not.

So when we're talking about the Oak Ridges moraine, when we're talking about the big pipe, which we've heard all about, when we're talking about the lack of dealing with the aggregates industry in this province, when we're talking about all of these kinds of issues—I mean, the issues go on and on and on.

This government has failed miserably in keeping its commitments on the environmental file. I think it's absolutely shameful that they would suggest that this paltry Bill 43 does enough. It simply doesn't. It does not



go far enough. For us over here it's a huge disappointment. For anybody who keeps in touch with what's happening on environmental issues in the province, if you stack up the record of this particular government, you will know darn well that Bill 43 shouldn't be that much of a surprise; it really shouldn't. The government talks a good talk when it comes to environmental issues. They spin a good spin. They take a lot of photos. They give out a lot of awards. They celebrate a lot of communities that are active on environmental issues. But when push comes to shove, they don't protect the moraine. When push comes to shove, they don't put water-taking fees on the corporate sector that's taking water from the ground and selling it to make a profit. They're not making sure that those water-taking fees are funding the very system they claim is going to be effective for maintaining clean water in the province of Ontario. Not only that, but the bill itself does not provide the strong, committed language we would expect the government to put in place if it really cared about source water production in the province of Ontario.

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**The Acting Speaker:** Questions and comments?

**Mr. Wilkinson:** With all due respect to my friend from Hamilton East, I've spent the last two years at the Ministry of the Environment. If we wait for every possible definition to be decided on this bill—this work has been going on for years now and will continue for years—this bill will not see the light of day. We were elected to put in all of the recommendations of Justice O'Connor. We believe this bill meets the test that he set in both its spirit and its execution.

I have seen our faithful public servants work on this file for months and months and the consultations that have been done to make sure this bill is correct. That requires the framework to be correct, and the framework is correct. We believe that people who share the same source of drinking water need to come together and solve this problem collectively. We believe that, through the framework we've allowed, we will have a committee representing local people—at one time we said it should be 16, but we've listened to people and say that it needs to be the number that it needs to be to represent the interests—and that there will be an assessment report, infused by science, from the terms of reference, which will lead to a source water plan that will implemented.

This is not something that will be able to change the world overnight, but if that framework is not in place and if this bill is not passed before Christmas, then our opportunity to have water source protection, in my opinion, will be lost. People have to say, are they for the framework or not? I know there's a party in this place who would do something top-down, but there's another party in this place which I think believes in the framework and which should vote accordingly.

**Mr. Miller:** I'm pleased to add some comments to the speech from the member from Hamilton East on Bill 43, the Clean Water Act.

There are many members of the rural community and the agricultural community who have concerns with this bill. There are concerns about property rights, concerns about the cost to farmers and rural landowners. I think the question could be asked that if all society benefits from clean water, should the cost not be shared by more than just the rural landowners?

I know that many different groups came before the committee and made presentations. The Dairy Farmers of Ontario had some specific concerns, and at committee they stated:

"Our concern is that" Bill 43 "appears to shift the burden of proof to the agricultural landowner.... The process puts the onus on the agricultural landowner to" show "that the normal legal farm practice will not cause harm. Rather than creating a predictable, uniform and scientifically sound framework for effectively managing legitimate risks," the bill "establishes a regulatory process that could result in overly risk-averse municipal permit officials applying the precautionary principle to place an unfair and unnecessary burden on the landowner."

That was expressed by the Dairy Farmers of Ontario at committee.

As well, the Ontario Federation of Agriculture has also expressed concerns about the regulation of drinking water threats, especially to do with permits, inspections and enforcement. They state:

"Permits, inspections and enforcement: We're concerned with the whole permit approach.... A risk officer type of approach. That actually fits in with the types of approaches we've used in the past, and we find that they work."

These are just a couple of the concerns expressed by agricultural organizations, and there were many more that came before the committee. So I think that there are some legitimate concerns expressed by the agricultural community.

There have been over 100 amendments to this bill. I think we do need to take the time to get it right, with all of the flaws that have been exposed so far.

**Mr. Marchese:** The speech by the member for Hamilton East is a plea for making the bill better, and that's why she says this is the water disappointment bill. It's a plea for bettering. It's a plea for ameliorating, improving, strengthening. What we've got from the Liberal side is a resistance to improving. They seem to be impenetrable.

McGuinty talked about democratizing the committee structure, the committee framework, empowering MPPs to make things better in committee. They accepted two of the 70 amendments. What does it mean for mon ami Monsieur McGuinty to say, "We're going to democratize the committee structure"? What does it mean? What does it mean when the member from Perth-Middlesex says, "It's about balancing." What interests are we balancing? What science are the Liberals following when they say, "In order to implement this bill we need a five-year period"? What science is that? What interest in balancing acts are we talking about?



The member doesn't touch the fact that they promised to introduce a fee on the extraction of water from the earth, something we should not be commodifying. We're commodifying water. We're selling water. We're giving that right away to corporations to take water out and to sell it. We're saying to them, "We're not going to charge you anything to take this most important resource out." It's incredible. It's a broken promise, if nothing more.

What science is it to decentralize the control of implementation, monitoring and enforcement to the municipalities? What science is that?

We plead with the government to improve this bill.

**Mr. Delaney:** It's a pleasure to stand and reply to the comments of the member from Hamilton East. One of the things that I'm enjoying tonight is the chance to stand up and perhaps speak a little bit more rationally. The volume tonight has been inversely proportional to the wisdom or the content of a lot of the debate. In a nutshell, we've heard a lot of heat and fairly little light.

People have criticized the government of Ontario for taking the time to get it right. They've criticized the Ontario Ministry of the Environment for trying something bold and innovative—giving it a thorough debate, giving it lots of committee time—and then criticized the Ministry of the Environment for listening to what people said, for changing the bill and for making it better.

The member for Hamilton East said we didn't do everything for everybody in this bill. Of course, she didn't know what people would suggest at first reading and neither, in fairness, did the Ministry of the Environment. But that's why we have three readings of a bill. That's why we have committee hearings. That's why Ontario took the weeks and the months to draft the bill, to ask for input, to interpret the input, to test it, to redraft it, and to go back for more debate and for more consultation.

**Mr. Yakabuski:** And you know what? Baloney is baloney, no matter how you slice it.

**Mr. Delaney:** In fact, people point out that, after all of this, we actually made more than 100 changes in the bill.

If I were listening to this on television—and if you are, good evening—I'd conclude that my government got it right. They asked for advice, they received advice, they reworked the bill, and they addressed the issue. Let's get on with the job.

**The Acting Speaker:** The member for Hamilton East has two minutes to respond.

**Ms. Horwath:** I wanted to thank the member for Perth-Middlesex, the member for Parry Sound-Muskoka, the member for Trinity-Spadina and the member for Mississauga West for their comments.

The reality is, at the end of the day, this government has missed an opportunity to do the right thing by source water protection improvements in the province of Ontario. We can slice it any way you want—in fact, the member from Renfrew-Nipissing-Pembroke was saying it's like a big pile of baloney: You can slice it any way you want, but it's still baloney.

I wouldn't say that the idea or the issue of source water protection in this province could be reduced to the concept of baloney, but what I can say is this: The New Democrats had put forward numerous amendments to this bill. Why? Not for our own gain; not for any reason other than to try to convince the government that this bill could actually have been the pride of the province of Ontario, something we in this province could all proudly rejoice in, that there was finally real source water protection, there were finally water-taking fees that were going to pay for that source water protection.

Finally, we would have had something that this government could have hung its hat on, in terms of doing the right thing by the environmental commitments they made during the election campaign of 2003. But, unfortunately, we end up with lunch-bag letdown. We end up with a piece of legislation that is woefully inadequate and that is woefully—

**Mr. Marchese:** Woefully and wilfully, possibly.  
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**Ms. Horwath:** Woefully and wilfully, possibly—long-ended in terms of reaching any real, tangible goals for source water protection in the province of Ontario. It may come at some point after several years, but it's not something we're committing to for the here and now. That's why I stick by my belief—because it's true—that this government has failed miserably and lost a very important opportunity.

**The Acting Speaker:** Thank you very much. Further debate?

**Mr. Delaney:** It has been my pleasure to spend this evening learning a little bit about how the members of the opposition and the members of the government see Bill 43, the clean water bill. I've spent this evening, perhaps along with Ontarians who may have tuned in and stayed with us on television—if you have, I commend you on your persistence—listening to the Conservatives and the NDP both say, "We don't think it's perfect, and therefore we should either do nothing or sink into the bottomless morass of analysis paralysis."

Maybe you've just tuned in, so let me recap: Bill 43 is a pretty simple bill. It's the first substantive effort in Ontario history to protect land and water surrounding water wells and municipal water intakes. So who could be against clean water? Not you, if you're watching tonight. Not you, if you remember Walkerton. Not you, if you're a farmer whose interests and needs form the core of this bill. Bill 43 protects municipal drinking water by providing the means to prevent water from being contaminated or depleted in the first place. It sounds simple so far. Really, it is a very simple bill.

I'm from Mississauga. Our water comes from the Great Lakes basin. The people of Mississauga drink the water that comes out of the tap, and they want it to be clean water. Bill 43 ensures that the water that comes out of your tap will be clean water. This bill protects the river basins that drain into Lake Ontario and form our drinking water in Mississauga, but the fact is that there are more quality control checks on the water that comes out of our



taps in Mississauga than there are checks on what goes into the bottled water you buy in the supermarket for more than twice the price of gasoline at the pumps.

Bill 43 says to areas like Mississauga that if you think it ought to be perfectly safe to drink the tap water, you're probably right. Bill 43 strengthens protection for the Great Lakes basin with environmental penalties—that is, measures with teeth, measures that reduce the risk of spills. Bill 43 is a key part of Ontario's plan to build a comprehensive system to protect drinking water from source to tap and to sustain Ontario's water resources for the future.

Our neighbours in rural Ontario feel as we do in the cities. They too want and need clean water. They especially don't want another Walkerton, and that's probably the biggest reason to pass Bill 43 and get on with it.

Our Conservative opponents have already written off urban Ontario, particularly Mississauga and Brampton, so they're trying to manufacture, as they often do, some type of urban-versus-rural split out of a bill that promotes clean water. Well, Ontario isn't about bashing cities to buy rural votes. Ontario isn't about bashing teachers to buy votes from wealthy supporters of private schools. Ontario isn't about gutting health care or consigning an entire generation of baby boomers to the dustbin to win votes from the privileged. Ontario is about looking after our cities and Ontario is about looking after our farms. That needs clean water.

Ontario is about listening to constructive suggestions. That's why this bill received the extensive debate that it has. That's why it received the thorough committee hearings that it did. Ontario is about learning from what we hear. That's why so many of the suggestions made in the hearings, made in the debates, made it into the version of the bill that now stands before this House for third and final reading.

I was in the software development business before I was elected, and there's a great deal in the process that we went through in Bill 43 that reminds me a lot of the development of a complex software program. At first reading, which would be an alpha test of a piece of software, what you've got is a concept, and even the developers say, "This is not perfect. What we want you to do is to take it out, work with it, fool around with it, tell us what's wrong, tell us what else we should do, tell us how we should do it differently." That's perhaps first and second reading debate.

If those of you at home have ever tried taking home a beta of Windows or a test version of Office—which you can probably do now for some of the most recent versions of Vista and Office 2007—you've probably sat there and said, "Wait a minute; it doesn't all work properly." Of course it doesn't. It isn't supposed to work properly yet. It's not feature-complete yet. So you'll send in your suggestions, as I have when I've tested Windows and Office, and I've said, "I recommend we do the following," or "I can find fault when I do the following things." You'll get back something that says, "We hear you; as a matter of fact, other people have said the same

thing." So when we rework the software—and in this case, when we rework the bill—what we're going to do is take the intelligent, thoughtful suggestion that you made and work it into the bill. If what you've done is found a way to trip up the bill or trip up the piece of software, if you've found a way to break it, we'll find a way to fix it. We'll find a way to make it work when we bring out the next release.

In the software business, as you bring out successive releases, you make sure that you don't inadvertently create a problem with a fix but you also make sure that you fix the problems that your users have found as you progress. So, too, when a bill goes to the House for first reading and second reading debate. Members bring up points, saying, "In my area, people would say the following," or, "In my area, the following things would apply." The Ministry of the Environment will have its people there, sitting and taking notes and saying, "Good point." That's the reason that you reward someone who has written an innovative bill.

In first reading and in second reading you can be ambitious, you can try something, you can put something out there and say to people, "Take it out and test it. Try it in your venue. Try it and see how it would work in your circumstances." When they reply back and say, "Maybe it should be changed," you'll say, "Okay, we're going to incorporate that." Our time to redraft the bill will come before clause-by-clause, but the point that you've made in committee, the point that you've made in the debates: We've heard that. We've heard that and we'll rework it and, to the degree that you've suggested and to the degree we can, we'll make it bulletproof.

That's what happened in Bill 43. That's what happened with the people that my colleague the member from Perth-Middlesex referred to. That's what took the Ministry of the Environment and actually rewarded them for doing the right thing, rewarded them for trying something that Ontario had never had before: a comprehensive bill, a bill that addressed how to make water clean from its source right to the tap, a bill that no other government had tried before. What they basically said is, "You've got a clean sheet of paper. We know you're probably not going to get it right on the first draft, but we've got a process that's going to allow you to get it right on the second or the third draft," or what we call clause-by-clause, which in the software business would be called release candidate 1, 2 and 3. That's how it worked. As the suggestions came up, they incorporated them, and the bill got better and better.

Our critics would say that perhaps you should compare this bill against the wisdom of the Almighty, but Ontarians would say you should compare this bill against the inaction of the alternative, which is the neglect and the inaction that privatized water inspection in the 1990s and that brought us Walkerton.

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Mississauga is a community with rich agricultural roots. Those rich agricultural and, if I may say so, rural values persist to this day. In Mississauga we look after



our own; so too in Ontario we look after our own. We keep our books in balance; so too this government has brought its books in balance. We don't foul our living space; so too, Bill 43 is about not fouling our living space. In Mississauga we provide for the next generation; so too in Bill 43 we provide for the next generation with clean water.

Bill 43 helps Mississauga to protect its water sources. My colleague for Renfrew–Nipissing–Pembroke said that this isn't about the Great Lakes. He is simply wrong. It is. The Great Lakes are Mississauga's water source. Mississauga knows that Ontario took the time Ontario needed to get it right. Mississauga knows that the government it elected to actually pay attention to our city, something that didn't happen for eight long, lost years—that government at the very least is protecting its water.

The thing about Bill 43 that Ontarians need to keep in mind is a very simple point: Bill 43 will work. Bill 43 has teeth. Let me just go down some of the things within Bill 43 that are going to make a difference in our cities and make a difference in our rural communities.

One of the things Bill 43 does is to implement many of the recommendations of the Walkerton inquiry. It also means that Ontario is going to have the most comprehensive drinking water protection program in North America. Maybe that's not sufficient for our opponents, but that's what Ontarians are looking for. Ontarians want to know that when they turn on the tap, it's fine to drink the water.

Ontario's proposed Clean Water Act is the linchpin on that water protection program. The act would, if passed, help communities such as Mississauga better protect that drinking water by implementing procedures based on science from source production plans—and this is a key part—that are developed locally. What we don't need is the type of top-down thinking that brought us so many of the problems this government has grappled with for the past three years.

Say what you want about the last eight years; they're over. What we're here to do now is fix it. We're here to move forward, not backward. This bill, Bill 43, the Clean Water Act, 2006, is about moving forward, not backward.

We know that implementing some of these plans could have implications for some, be they cities, be they towns or be they farms, so the government took the time it needed to listen to people who are going to be most affected. They heard them, they implemented their suggestions and they've got it right.

One of the keys to this is the \$7-million Ontario drinking water stewardship program, which will help offset the costs of implementing some of the earlier initiatives to protect drinking water sources.

Here are some of the proposals. It involves replacing permits with risk management plans. If what you want to do is understand what the longer-term implications are of taking water out or of doing something around a water source, implement a risk management plan. A permit says you can, full stop. A risk management plan says, "Tell us what the implications are, keep it up to date,

keep studying it and know what the long-term ramifications are of what you propose to do."

One of the other things, and it's a very logical thing, is to ensure that the people involved, the officials who adjudicate the risk management plans, have appropriate qualifications. One of the issues of the Walkerton inquiry is that the people who were in charge of supervising water quality were singularly unqualified.

One of the other proposals was to increase the appeal period for a risk management plan to 60 days. Sixty days is enough time to be able to accumulate data, file an intelligent brief, adjudicate it and make a change. A very reasonable action came out of some of the suggestions that developed while this bill was in committee. Again, the government asked for advice and people offered advice. They said, "Well, maybe this isn't enough time," and they said, "Well, maybe you're right. Maybe it isn't enough time. How would 60 days sound?" When you try it out in discussion with a number of people, going back to my beta-testing analogy, you'll send out an interim release and say, "Okay, you guys have identified the following feature as being flawed, so we are going to send you 'Build whatever. What we'd like you to do is to run the following stress tests. You'll take it home, you'll load it up on your computer and you'll see if you can crash it.'" That's what this is: They're saying, "In terms of the risk management plan, how do these proposals sound to you?" The people who were consulted said, "Works for us. We can live with it."

In Ontario, one of the other communities that has a real stake in clean water is our First Nations. One of the things that Bill 43 says is that as First Nations communities, they are invited to participate in the source protection planning process. Goodness gracious: We are actually consulting the First Nations. Fortunately, nobody complained about that particular provision. One of the other proposals requires that source protection plans assist in achieving Great Lakes targets. These are the waters that we don't want to foul. This is our drinking water. We have some targets to continue to improve the Great Lakes. As baby boomers, when we were younger, people were saying that Lake Erie would one day simply die. We addressed some of the problems of Lake Erie, and there's still a way to go. One of the things Bill 43 addresses is that the government of Ontario has a vision of clean water and clean lakes, and Bill 43 is about keeping those lakes clean and making sure that they have a chance to get cleaner.

On September 19, the Minister of the Environment announced the membership of an advisory panel on the proposed Ontario drinking water stewardship program. Again, if you want to have a good group of testers, you find people who can really force your software, people who can really give it a good stress test, people who are what you would call power users. In legislation, power users would be called a "stewardship panel." The advisory panel would include 11 experts from across rural Ontario to provide advice on how the program should be administered. The government has consulted with people



every step of the way. The government has laid, and will continue to lay, the groundwork for source water protection now and in the future.

On November 29, when the measure was first announced, the government announced some \$51 million for technical studies over five years and another \$16.5 million to help some of the authorities staff up to build operational capacity, to conduct background studies and to develop water budgets. I've got in front of me a fairly lengthy description of the consultation history that the bill went through, far more lengthy than the three minutes that I have remaining, so I will save visitors the trouble of my reading it all into the record. But in summary, and this is just a summary, public hearings on Bill 43 were held in Toronto, Walkerton, Cornwall, Bath and Peterborough. More than 100 presenters gave their suggestions. Some of them came from the agriculture sector, from industry, from municipalities, from First Nations—interested members of the general public.

In mid-September, Bill 43 proceeded to clause-by-clause before the standing committee on social policy. It took the time that it required in clause-by-clause. It was an exhaustive debate. By mid-September, the minister announced the membership of the advisory panel on the proposed Ontario drinking water stewardship program. I don't know them all, but here's just a partial list and some of their qualifications: Al Lauzon, chair, University of Guelph, past chair of the Ontario Rural Council; Ron Bonnett, president of the Ontario Federation of Agriculture; Dale Cowan, director, Ontario Agri Business Association; Carol Dillon, co-chair of the Friends of the Tay Watershed Association; John Maaskant, Chicken Farmers of Ontario, chair of the Ontario Farm Animal Council; Donald R. Pearson, general manager, Conservation Ontario—this is a real blue-ribbon panel; Russ Powell, chair of the Oak Ridges Moraine Foundation; and Ken Seiling, board member of AMO, the Association of Municipalities of Ontario.

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In terms of due diligence, the government of Ontario has gone the distance here. In terms of providing for Ontarians a future in which they can turn on the tap and have reasonable confidence that the water they get out of tap, the water they can drink, is as clean and as pure as Ontario can make it, Bill 43 is an essential plank in that platform.

We've talked about Bill 43 enough. Bill 43 is ready to go. Bill 43 reflects the best advice that Ontarians can give us. It's time to vote on Bill 43. It's time to move on. It's time to enact Bill 43 and to give Ontarians the clean water that they've asked for, the clean water that they've deserved since Walkerton, the clean water that Ontarians depend on, now and in the future.

**The Acting Speaker:** Questions and comments?

**Ms. MacLeod:** I quite enjoyed the speech of the member from Mississauga West. There was something, though, that I want to address right now. He brought up an urban-rural split. I just got off the phone with my executive assistant, who is with the Ottawa Federation of

Agriculture. Right now, while he's talking about things that are going on in a suburban/urban municipality, the farmers in Nepean–Carleton are concerned that those who have farms on the Jock River are not going to be allowed to keep their livestock because of this piece of legislation. Right now, as it stands, this legislation will be determined by regulations which are yet to be determined. It is legislation by regulation. We don't know right now if the farmers who've been farming on the Jock River, and their families, who have been doing it for 200 years, are going to be allowed to continue because of this piece of legislation. That's a real concern from farmers in my constituency as of this evening.

Until the regulations are approved, municipalities won't know with any certainty what terms they will have to enforce and what the associated costs will be. After two years of inaction, the McGuinty Liberals have introduced legislation that provides no basic details to the farmers in Nepean–Carleton and across this province. It passes responsibility to municipalities and landowners to cover the costs and to do the work of protecting watersheds, and it delays the development and implementation of plans for another five years.

If any of these Liberal members want to stand up here tonight and assure me, the member for Nepean–Carleton, that the farmers on the Jock River in Nepean and in Rideau township are going to be able to continue farming in the next five years, I would urge them to do so and I'd urge them to do so tonight.

**Ms. Horwath:** I too enjoyed the remarks by the member for Mississauga West. I found it interesting that at the beginning of his speech, however, he tried to make it sound like it was all so simple. It's kind of like the KISS principle: keep it simple, silly. I don't think the other word is actually parliamentary.

**Interjection:** It should be parliamentary.

**Ms. Horwath:** It is parliamentary, do you think—"stupid"? I don't think so.

Anyway, the reality is, and the people of Ontario know this—they've become very sophisticated over the years, obviously—the devil is in the details. The devil is in the broken promises. The devil is in the environmental record of this government. The devil is in the costs being foisted on municipalities and conservation authorities. Ultimately, the government in this bill is saying, "Trust us. Just trust us." But the people of Ontario—certainly the members of this caucus—are saying, "How can we? How can we trust you? You've done nothing to show that you've earned our trust, even to this very day, when, in tabling this bill, yet another promise has been broken around water-taking fees. So you're not to be trusted."

Interestingly enough, the member said that at the end of all of the process that the government has undergone in regard to this bill, in his opinion, the bill is bulletproof. That's what he said: "bulletproof." First of all, I don't like that kind of language, but nonetheless, I beg to differ with that analogy, because what he says is that it's about comparing this bill with the inaction of previous administrations. From my perspective, we should be comparing



this bill to the ideal, to what we could have, to what we should have in the province of Ontario when it comes to source water protection legislation. The McGuinty Liberals instead are saying to the people of Ontario, "We've got to settle for less. We've got to settle for less than the ideal. We don't want to go on the inaction of the previous government; we don't want the ideal. Just settle for what the McGuinty Liberals are saying is good enough." For us, it's not good enough.

**Mr. Leal:** I think the member for Mississauga West certainly laid out in some detail the components of Bill 43. One of the things he highlighted is that the \$7-million stewardship fund is just a start down this road to provide support for those individuals and municipalities that will be working with Bill 43. Certainly, the \$5 million to support early action, to protect land and water surrounding water wells, waterhead protection zones, and close to municipal water intakes, and the \$2 million to support education and outreach related to source protection planning is something that was not in the original bill in the first reading, which I didn't support. I made it very clear and told the farmers of my community. But I said, "I want to look to make sure there's a stewardship fund enshrined in the bill that indeed I support."

The other thing is, the member for Mississauga West certainly clarified the issue of farmers' land being expropriated without fair compensation. It's very clear in Bill 43 that no land would expropriated without full compensation.

Indeed, is the issue a download to municipalities? In fact, the Ministry of the Environment has provided a substantial amount of money—\$67.5 million over the next five years—in order to plan for source water protection.

After a period of time when the previous government gutted conservation authorities in Ontario, this government has made a substantial commitment for conservation authorities to come back into the planning activities around watersheds that they have a history about.

I'd like to read a quote from the clause-by-clause: "We had the minister—it was highly exceptional—come this morning and say they are going to deal with some of the expropriation or land acquisition issues, as well as taking some time in the transition to get the education process in place and set up some of the infrastructure. We're in favour of many of those things. In fact, we're supporting them...." That was the member for Durham.

**Mr. Murdoch:** I'm wondering here what the member for Peterborough really—does he support this or doesn't he support it? One day, one, and the other day, the other. That's the way the Liberals are, you know. They just can't really get it together. We're just wondering.

I also hate to burst the bubble of the member for Mississauga West, whom we just heard speak. He was hoping that everybody at home was watching him on television. I don't know whether he thought he was on the Jimmy Kimmel show or what show he was on, but there are a lot of people watching the ball game tonight, too, so I'm sorry; there are probably not that many listening to him. Unfortunately, they really didn't have a

lot to listen to anyway, because that was a prepared speech from somebody in the backrooms of the Liberal Party telling him that this is a good bill.

I don't think he really understands that this isn't a good bill. We all know that now because there were—what is it?—200-some amendments to a 35-page bill. Here we like to call them "amendments," but in the real world they're called "mistakes," the mistakes you made when you drafted this bill. You had 100 mistakes of your own, and that's pretty bad on a 35-page bill that you keep telling us is so wonderful.

With that many mistakes on your first time around, I would think you would really want to go out and have the people talk about this bill again. I can't believe you wouldn't want to take it out after all the rhetoric we heard here about how you want to listen to the people and you want to support rural Ontario. Let's take this bill back out now with all of your amendments, mistakes—whichever way you want to put them—and let's see what the people have to say, see whether they say you did a good job or you didn't. This is the only way you can be truly democratic in your beliefs. If you want to be truly democratic, then let's take this bill back out on the road and have a look at it. I don't think that will hurt you at all, and then we'll know whether it's right or wrong.

**2120**

**The Acting Speaker:** The member for Mississauga West has two minutes to reply.

**Mr. Delaney:** I thank those who spoke to my comments.

To the member from Nepean–Carleton: As she freely admits, it's now down to the regulations. Thank you for the implicit okay on the legislation. I am equally confident that the government will get the regulations right too.

To the member for Hamilton East: She asks, "Why isn't it closer to perfect?" Because, just like my software analogy, it will get there as people use it and put it through its paces. Like a piece of software, it too will evolve and get better and better.

To the member from Peterborough: He notes that he too had concerns about the bill, just like many government members. We don't just take everything that comes to us; we'll sit there and be our own government's harshest critics. He saw them addressed as the bill moved forward.

Finally, to my colleague from Bruce–Grey–Owen Sound—we share some of the same taste in hockey teams—I would have to say, as my colleague from Perth–Middlesex says, where a scientifically demonstrable threat to drinking water exists, action has to be taken. That's what Bill 43 is all about. I'm voting for that.

All three parties here three years ago campaigned on implementing the Walkerton inquiry. This bill implements the findings of the Walkerton inquiry, and I'm voting for that. I'm going to ask Mr. and Mrs. Ontario to watch the progress on Bill 43, and if someone votes against Bill 43, ask yourself, "Were they really sincere about implementing the findings of the Walkerton inquiry?"



Bill 43 implements the findings of the Walkerton inquiry. Bill 43 is about clean water from source to tap. I'm voting for it.

**The Acting Speaker:** Further debate?

**Mr. Murdoch:** I know I don't have a lot of time to debate tonight, maybe six minutes, and that'll be fine. Maybe we'll get the rest at another time when the bill comes back on the floor. But in my six minutes—

*Interjection.*

**Mr. Murdoch:** Somebody wants to go past 9:30. I don't think the Liberals will want to hear any more of us tonight. I'm sure their ego is busted tonight after all the comments you've heard on this bill.

Now we're talking about regulations; you haven't even got this bill passed yet, and you're into the regulations. How could you expect anybody in Ontario to have respect for your regulations? We're really concerned. What are the regulations going to be? Are they going to put our farmers off the rivers? That's fine. I think it might be a great idea to fence all the rivers that our cows drink out of, but who's going to pay for it? The province has to pay for this. You can't expect farmers to go and fence all the rivers. We're saving that water. We're going to have clean water for everybody in Ontario, not just rural Ontario. That's why I've been so upset with this bill. You've come up with \$7 million, but as our member from Stratford knows, it's going to be at least \$7 billion. He knows that. He even admitted that in the House. You've told us it's going to be \$7 billion. He probably thinks it's going to be more than that, but he has come off saying \$7 billion.

**Ms. MacLeod:** And he wants you to put it on the record.

**Mr. Murdoch:** He wants it on the record; he asked me to put it on the record. I'm putting it on the record for him so that he knows, now that everybody is out there. He knows it's going to be at least \$7 billion—maybe more.

We had people in at Walkerton. He talked about that committee hearing. I was there. We had people—I'm trying to think of the right name—who were worried about wells that need capping. There are gas wells, there are water wells, there are oil wells that go into the aquifers, and they estimated it at around \$15 billion just to cap the wells. So the \$7 billion looked pretty weak to the \$15 billion.

As I say, the member from Perth says that it's \$7 billion. I'm sure he knows where he got that information; he mentioned it here. So I'm happy that he agrees with us now that it's going to cost a lot of money.

We mentioned before that \$7 million is a start. I'll accept that.

**Mr. Yakabuski:** That's 0.1 of 1% of the down payment.

**Mr. Murdoch:** Well, I'll accept that as a down payment to start out in Grey county or Bruce, whichever one they want to start with. But I can't accept this bill until they guarantee that 100% of the new regulations they're going to put into this bill are paid for by the province.

That's what we need and that's what we want. We want a guarantee from you, because we're having a little trouble really thinking that maybe you're telling us the truth sometimes, guys—we wonder. But put a guarantee right in the bill that any new regulations that you bring on us will be paid for 100% by the government of the day. Now, the thing is, that should be easy for you guys to do, because you're going to ram this through. You keep talking about regulation 170, a regulation that was wrong; I'll admit that. I'll be the first to admit that it was wrong. But you know what happened to us? We're over here because we did that.

Now we've got the arrogant people over on that side again, saying, "But we're right. We know everybody wants it. We'll be back over here." Well, I'm telling you, folks, that's what happens when you get arrogant. You end up coming over here. And we learned our lesson. But we had a regulation, just a regulation; you've got a whole bill full of holes. Where do you think you're going to go? You might not even end up over here; I think you'll end up on that little strip that's taken up by the NDP now, and they'll be down here. That's what's going to happen to you, the way you're carrying on.

You can just tell what's happening to you. We listen to you, and you get upset when we try to give you ideas about how to fix this bill. We try to give you advice, and you don't even want to listen to it. I've been here for 16 years, and I've seen them come and go, and you see what can happen. I've seen what happened with 170. That was a terrible regulation. It took you a long time to figure it out, but you helped it out a little bit—not totally.

But then you come up with something like this and have 100 mistakes right off the bat. Boy, that should show you there's something wrong. Whoever is writing your bills for you, you've got to get some new people over there, folks. That is a record for this House.

I see, Mr. Speaker, you are getting anxious to let us out of here. Will I go on for my whole 20 minutes? You only get 20 minutes, folks, to do this. I know there's somebody out there watching, because the member from Mississauga obviously had his family at home glued to the TV. He said, "Look, I'm going to make a speech they wrote for me tonight. I don't know what's in it, and I don't know whether I approve of it"—

**Mr. Yakabuski:** "But I know it's about software."

**Mr. Murdoch:** It's about software. Right. We wanted to mention that farmers are going to be so excited that water is the same as software. Now, isn't that something? We're going to be really excited about it out there. There again, they don't want to listen to the ordinary person out there, and they're trying to tell you folks that this bill is flawed. You cannot pass this bill in its present-day form. You'll have to learn that, folks.

Being that it's 9:30 of the clock, I will let the Speaker take over.

**The Acting Speaker:** The member for Bruce-Grey-Owen Sound is quite right. It is 9:30 of the clock, and this House stands adjourned until tomorrow at 1:30 p.m.

*The House adjourned at 2128.*

# LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 4 October 2006

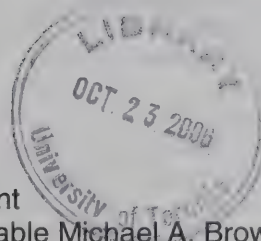
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 4 October 2006

*The House met at 1330.  
Prayers.*

### APOLOGY

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** On a point of order, Mr. Speaker: Yesterday, during the last question of the day from the Conservative government and before the response from the Attorney General, I made a heckle which was clearly inappropriate and I certainly want to apologize for that.

Secondly, on a much prouder note, I would like to wish my mother a happy 89th birthday today. Mom, I love you.

### MEMBERS' STATEMENTS

#### NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** In this Legislature, we saw a condemnation of the Premier for his failure in Caledonia. A week after that, on June 16, Housing Minister Gerretsen issued a press release promising emergency funding for homeowners in Caledonia. But we know that Ontarians have put up with three years of broken promises from this McGuinty government. Gerretsen's release stressed the urgency of the situation, using words like "immediate" and "emergency," and he instructed his local liaison committee to provide recommendations by June 19. That was four months into the occupation; it's now seven months and counting. Caledonia homeowners have seen no money, Caledonia homeowners have seen no timeline and Caledonia homeowners have seen no indication that the McGuinty government will be keeping this promise. You may recall Minister Cordiano wading into the dispute with his promise of money. Where is Cordiano now? Brant MPP Dave Levac waded into this broken promise, calling it "welcome news for the community."

People have had enough broken promises from a government which will say anything to get re-elected. Caledonians in particular are tired of the McGuinty government's endless flood of promises without delivery. Congratulations to Minister Gerretsen and MPP Levac. They are runners-up for promise breaker of the day award. They get an A for announcement and a D for—

**The Speaker (Hon. Michael A. Brown):** Thank you.

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 4 octobre 2006

### VIOLENCE AGAINST WOMEN

**Mr. Khalil Ramal (London–Fanshawe):** I'm speaking today to advise the House of an innovative and proactive initiative that has been put forth by the city of London this morning. Anne Marie DeCicco-Best, the mayor of London, as well as community leaders, made an announcement which launched the Mayor's Task Force to End Woman Abuse. This is a new initiative to focus on the issue of woman abuse in our city. There has been an increase in violence against women within our community throughout this past year. I am proud that the city of London is being proactive in responding to the growing need to end violence against women.

Among its goals, the task force will develop a relationship among women abuse experts, the human services sector, the abused sector, the city of London, the government of Ontario and the government of Canada; ensure the availability of practical training materials to assist the community sector in responding effectively and proactively to situations of woman abuse; liaise with local media to inform, educate and bring public awareness to the issue of woman abuse and its impact on the community; and hold a conference utilizing local experts to showcase the best practice within the business, government and human services sector.

Mayor DeCicco-Best will chair the task force, which consists of a cross-section of leaders, including representatives from law enforcement, education, business, health and social sectors.

It's a very great initiative, and hopefully all of us will support it.

### ENVIRONMENTAL PROTECTION

**The Speaker (Hon. Michael A. Brown):** The member for Toronto–Danforth.

**Mr. Peter Tabuns (Toronto–Danforth):** Thank you, Mr. Speaker, with a tone of questioning in your voice. Nonetheless, thank you for the recognition.

Yesterday the Environmental Commissioner of Ontario brought forward a milestone report. He brought forward a report three years into the term of this McGuinty government that showed that what we in the opposition have been saying for so long is entirely true.

This government does not see the environment as a priority. This government does beautiful, fabulous work when it comes to advertising and marketing, but when it comes to the environment, substantial work is not there. This government has no plan to deal with climate change.

The Minister of the Environment will say, when asked, "No, we're doing work, here, there, everywhere," but no coherent approach.

The reality is that climate change will have significant impact on this province. Climate change will bring about changes in our climate, our weather, that will impact on people's lives, our prosperity, and yet, given that they're doing nothing to stop climate change, nor are they doing anything to adapt to the inevitable challenges, crises, that this province will face.

This government has abandoned its responsibilities. It has neglected its obligations. This government is a failure on the environmental file.

### HAMILTON DAY

**Ms. Judy Marsales (Hamilton West):** I am proud to rise and sing the praises of Hamilton:

Once upon a time there was a city,  
Hamilton was where we all called home.

Last April I brought forward, along with my fellow members, a private member's bill identifying the first Wednesday in October as Hamilton Day. We are celebrating Hamilton at Queen's Park today, and I want to acknowledge and welcome Mayor Larry Di Ianni, Councillor Bill Kelly, Councillor Margaret McCarthy and physician recruiter Dr. Jane Walker to Queen's Park.

Hamilton has a great history, inspired by people, places and politics. Hamilton is located at the head of Lake Ontario, captured by the splendour of the Niagara Escarpment. It all began at Hamilton Harbour, which provided the perfect shipping opportunity needed to celebrate the industrial development.

But today our airport travels to all points in the world. We have an industrious business culture, with the direction of the Hamilton Chamber of Commerce and a thriving small business and entrepreneurial spirit. Today, Hamilton is a model city where diversity is not only accepted but welcomed. McMaster University, Redeemer University and Mohawk College are all wonderful, leading post-secondary institutions. We're very proud of the care we receive at St. Joseph's Healthcare, St. Peter's Hospital and Hamilton Health Sciences.

We also need to celebrate Hamilton's entertainers. We have them all over the world. Hamilton is a beautiful place to live, work and raise children. We want Ontarians to know that Hamilton is a vibrant community, open for business, and that Hamilton thanks the McGuinty government for their support and encouragement over the past three years, and there's more to come.

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### LIBERAL LEADERSHIP

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** After three lost years and one to go, the knives are out for Premier McGuinty. His wannabe replacements are lining up already. It seems the Liberal caucus feels the same as

Ontario voters: It's time for a change. Indeed, the Toronto Star reports that provincial Liberals have already started undermining their leader. They can feel the sliding momentum. They recognize their slip in public opinion. They know this could be his last year.

Let's look at the top contenders. Could it be furious George, the animated health minister who spends more time on late-night press releases attacking John Tory than he does fixing the problems in our hospital ERs?

How about the member from London West? No, no, he's not going to win his own seat—you know, Green Lane?

Better still, the visionary pit bull from St. Paul's. Please.

Or how about a compassionate man, the eminently quotable energy minister who tells struggling Ontarians worried about hydro rates to wrap themselves up in a blanket and get some good red wine?

Maybe they'll pick a female leader: the public face of last month's disastrous by-election in Parkdale-High Park; the Minister of Economic Development is reportedly honing her French skills. Might I suggest public relations training?

Or maybe the Tory floor-crosser from Ottawa West-Nepean? Then again, maybe he wants back in our House.

And why not throw in the former transportation minister, although he'd want the leader's office at Chalmers Group?

It's going to be a fun year. Keep your head up, Dalton.

### ONTARIO'S RED MEAT SECTOR

**Mrs. Carol Mitchell (Huron-Bruce):** The Ontario Cattlemen's Association, Ontario Pork, the Ontario Veal Association and the Ontario Sheep Marketing Agency all form part of Ontario's very successful red meat sector. The sheer number of producers in this industry is indicative of how important it is to the economy of rural Ontario. For example, there are over 28,950 producers in the Ontario red meat sector: 450 in veal, 3,300 in pork, 4,200 in sheep and lamb, and 21,000 in cattle.

The economic impact of this sector is even more impressive. Ontario farm cash receipts estimate a total of over \$1.8 billion.

I would also like to point out what has been accomplished by the McGuinty government working with the agricultural industry, including \$910 million for income stabilization and \$4 million in transitional support for dead stock collection. These are just a few of the things that we have done.

In celebration of the Ontario red meat sector's tremendous importance and success, please join myself and representatives from the red meat sector in committee room 228 from 3:30 to 6:30 for a roast and hors d'oeuvres reception.

Finally, I would like to take this opportunity to welcome to the gallery members from all four associations that make up Ontario's red meat sector. Please stand and be recognized by the members. Thank you for all the



good work that you do in support of our rural communities.

### HEALTH CARE

**Mr. Tim Hudak (Erie–Lincoln):** Picture it: The health minister, George Smitherman, up late in his office gnashing away at his keyboard to put out his latest juvenile and screedish press releases.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I was in my car.

**Mr. Hudak:** He may have been in his car while he was doing them, to correct the record, but we all know it's George Smitherman because of that now familiar and endearing angry loner tone that comes across in some of those press releases.

While the health minister is pounding out these press releases, real pressing and serious issues go unaddressed in our health care system. After promising to protect public health care, the Dalton McGuinty Liberals privatized physiotherapy, optometry and chiropractic care. And with the growing problem with emergency rooms across the province, you'd think the Minister of Health and Deputy Premier would be addressing that issue as opposed to his keyboard.

Even taxpayers in Niagara are now worried about what is going to happen to the ERs in Port Colborne, Fort Erie, St. Catharines and West Lincoln. In fact, Port Colborne recently lost its walk-in clinic because of the issue of getting doctors to cover those procedures.

Yesterday, a paltry and empty long-term-care bill that falls far short of promises; nursing promises not kept; and, bizarrely, an attack on small-town mom-and-pop pharmacists in their drug bill.

I'd say to the health minister that while I enjoy reading these releases from time to time, I'd suggest he spend more time with his deputy minister and start addressing the real health care problems across the province.

### GOVERNMENT'S RECORD

**Mr. Jeff Leal (Peterborough):** I rise in the House to highlight just a few differences between this government and those of the past.

Just three short years ago, the education system of Ontario was on life support. The previous government talked down their noses to teachers and trustees: Students suffered.

This government decided long ago that we would work together to find a balanced approach with our school boards, our teachers and our trustees to benefit children in Ontario, and it has.

The choices you make as a government send a message about what you value. The message that the Tories sent was, "We don't value education as much as we value tax cuts." The message the NDP sent was, "We don't value teachers so much, so we will rip up their contracts." As a result, students suffered.

We are trying to ensure not only stability in education but also in progress. That is why this government has invested an additional \$2.75 billion—that is \$1,600 per student—in contrast to Ernie Eves, who cut more than \$1 billion out of education in his first two years alone.

The differences between this government and members opposite are stark. While the Tory Tories talk down to teachers and school boards, we are standing shoulder to shoulder to find real, positive solutions together. We have updated salary benchmarks for teachers, we have updated our school operations benchmarks, and we have created a new billion-dollar school foundation grant.

We are on the side of parents and teachers in Ontario.

### LEADER OF THE OPPOSITION

**Mr. Brad Duguid (Scarborough Centre):** I understand that the Leader of the Opposition has decided to run in the next provincial election in the riding of Don Valley West. The first question that comes to my mind is, "Is he nuts?" Given his performance thus far as Leader of the Opposition, John Tory would have trouble getting elected anywhere but the safest Tory seats in Ontario, but given his party's and his anti-Toronto positions on everything from public transit funding to fiscal assistance to this city and his inexplicable opposition to the City of Toronto Act, the people of Don Valley West know full well that John Tory, once an advocate of Toronto, has been co-opted or influenced by his caucus to be anti-Toronto.

After spending his time as Leader of the Opposition slugging our city and encouraging Tory members of his caucus to continue the Tory strategy of playing on the negative sentiments from outside the city against our city, John Tory thinks the people of Don Valley West are going to forgive and forget.

I have news for the Leader of the Opposition: They will not forget, and they will not forgive him for that. They will remember that he was part of that government that brought in downloading on the city of Toronto, that damaged our community from one end to the other. But the biggest barrier Mr. Tory is going to have in getting elected in the riding of Don Valley West is none other than our own Kathleen Wynne.

I have more to say on this, but I'm running out of time. He'll never do it.

### VISITORS

**Mr. David Zimmer (Willowdale):** Mr. Speaker, on a point of order: I would like to recognize the Canadian Association of Naturopathic Doctors, who are visiting with us today in the members' gallery.

As well, I would specifically like to recognize Bob Bernhardt, president and CEO of the Canadian College of Naturopathic Medicine, which is located in Willowdale and plays a huge role in my riding.

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** Mr. Speaker, on a point of order: I would also like to

recognize the naturopathic doctors, particularly Alison Dantas, the CEO of the Ontario Association of Naturopathic Doctors; and also Jennifer Forristal, a naturopathic doctor from my own riding of Kitchener–Waterloo. They're going to be hosting a reception later today, and I hope all MPPs will attend.

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## INTRODUCTION OF BILLS

### GROUND CURRENT POLLUTION ACT, 2006

#### LOI DE 2006 SUR LA POLLUTION CAUSÉE PAR LE COURANT TELLURIQUE

Mrs. Van Bommel moved first reading of the following bill:

Bill 143, An Act respecting ground current pollution in Ontario / Projet de loi 143, Loi concernant la pollution causée par le courant tellurique en Ontario.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** Ground current pollution is more commonly referred to as stray voltage and is a major problem in hospitals, manufacturing plants and on farms. It's the result of electrical current that uses the earth as the path of least resistance rather than the neutral wire provided by the electrical system.

It has been a problem on farms for many years. The levels of ground current can become so high that animals and humans experience electric shocks. The financial impact has been devastating for many farmers, like my constituent Lee Montgomery of Dover Centre, near Chatham.

The purpose of the Ground Current Pollution Act, 2006, is to define objectionable current flow and to establish a time frame for utility companies to respond to and remedy complaints from their customers. This bill, if passed, will set appropriate financial penalties to serve as disincentives for inaction. Finally, the bill will provide for the development and implementation of a plan to eliminate objectionable current from this province.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### ELECTRIC BICYCLES

**Hon. Donna H. Cansfield (Minister of Transportation):** I rise in the House today to talk about an issue that affects everyone in Ontario, called sustainable transportation.

Ontario has the safest roads in North America, and our government is committed to maintaining and improving upon that record. The McGuinty government also recognizes the importance of having a sustainable transportation system that will meet the needs of today while protecting our natural environment for the future. This means an infrastructure that supports more energy-efficient forms of transportation, more alternatives to the single-occupant vehicle, an infrastructure that promotes low-emission vehicles.

Power-assisted bicycles, more commonly known as electric bicycles or e-bikes, are part of that vision. Earlier today, I was joined by Minister Broten and our government safety partners in launching an exciting pilot to allow e-bikes on Ontario roads for the very first time in the province. E-bikes work just like regular bikes, with an electric motor that goes up to 32 kilometres an hour. The motor can be used to help make riding easier.

We've tested e-bikes because people have told us that they would like to have a safe, reliable alternative to travelling by car or the standard bike. We've been told that e-bikes provide a good source of exercise for those who may need a power boost going up the hills or for those who are recovering from, for example, knee surgery. This pilot test will help ensure that e-bikes can integrate safely with other road users, such as larger vehicles and pedestrians. Under this pilot, e-bikes will be permitted to travel wherever bikes are allowed. Riders must wear a helmet and riders must be at least 16 years old.

Our vision for a sustainable transportation system is to promote healthy lifestyles and to reduce congestion on our roads. The benefits for riders include exercise, obviously, fuel efficiency and reduced traffic congestion. If more people choose a healthier lifestyle, then we all benefit. E-bikes encourage people to leave their cars at home in their garages. Electric vehicles meet lower emission standards, and they help to reduce pollution.

Through this pilot, we are giving people the opportunity to make healthy choices for our environment and help us realize that our vision of a sustainable transportation system is here in Ontario. So it is an important and very exciting day. Ontarians now have more mobility choices that are environmentally friendly, and I know that all members will join me in encouraging the safe use of these vehicles on our roads.

## CHILD ABUSE PREVENTION MONTH

**Hon. Mary Anne V. Chambers (Minister of Children and Youth Services):** It is my privilege to rise in the House today to mark Child Abuse Prevention Month in Ontario. This month the purple ribbon/purple bracelet campaign provides an opportunity to remind all Ontarians that we have a collective duty to be vigilant on behalf of our society's most vulnerable members. We all have responsibility for the protection and well-being of our children.

I would like to take this opportunity to remind all members of the public, including professionals who work



with children, that we have a solemn duty to promptly report any suspicion that a child is or may be in need of protection as a result of abuse or neglect. Abuse can be physical, sexual and emotional. Neglect occurs when a caregiver fails to provide basic needs such as adequate food, sleep, safety, supervision, clothing or medical treatment. A member of the public does not need to be certain that a child is being abused or neglected before reporting the situation to the proper authorities. If any person exercising objective and honest judgment has reasonable grounds to believe a child is at risk, they should report this to their local children's aid society or to the police for further investigation. I ask all members to please visit [www.useyourvoice.ca](http://www.useyourvoice.ca) for more information.

The McGuinty government takes its responsibilities to children in Ontario very seriously, and we continue to work to better serve the more than 30,000 children in the Ontario child well-being and protection system.

In March of this year, the Child and Family Services Statute Law Amendment Act was passed by the Ontario Legislature. The act is part of our government's broad reforms to improve the lives of vulnerable children. When proclaimed in November, this legislation will provide for increased accountability of children's aid societies through a stronger, more timely complaints process. It will allow more children to be adopted and provides more options for children who cannot be adopted so they can grow up in caring, permanent homes.

Just last week the Ontario Legislature took another important step in improving the protection of vulnerable children in our province by passing Bill 89, Kevin and Jared's Law. When fully implemented, Kevin and Jared's Law will complement changes that we have made to Ontario's child well-being and protection system. I would like to acknowledge the work of the former member from Burlington and the member for Brant for their efforts on behalf of Kevin and Jared's Law.

On behalf of the government of Ontario and children throughout the province, I would like to thank everyone who has reported signs of child abuse or neglect. Last year, Ontario's children's aid societies received over 160,000 new referrals. I thank those who dedicate themselves to protecting Ontario's children, including police, teachers, medical professionals, early childhood educators and social workers. I would also like to thank all members of the public who keep a watchful eye out for our children, be they a relative, a friend or a neighbour. Everyone has responsibility for the protection of our children and youth each and every day.

**The Speaker (Hon. Michael A. Brown):** Statements by the ministry? Responses?

#### ELECTRIC BICYCLES

**Mr. John O'Toole (Durham):** Today I attended in the rain, with the minister, her photo op on the announcements of e-bikes, which I look forward to using in the wintertime. Nobody actually has a problem with this

idea, except that the bald-faced truth of it all is that it's really a simple election stunt, a photo op stunt.

I asked the minister yesterday in this House what she is doing about the Greater Toronto Transportation Authority. To date, after almost four years and five promises, there's no board, no appointments, no committee and no money.

Meanwhile, if you look at the record of this government, gridlock is up, taxes are up, our hospitals and schools are calling for more resources, and yesterday's scathing report from the Environmental Commissioner, entitled *Neglecting Our Obligations*, I think says it all.

Quite honestly, perhaps we could all consider using the electric bike to return our empty liquor and wine bottles to the Beer Store. Good luck with the photo ops, Minister.

1400

#### CHILD ABUSE PREVENTION MONTH

**Mrs. Julia Munro (York North):** I rise to join with other members of this House to recognize child abuse awareness month in Ontario. It is sad that we even need a month to increase awareness, but it is necessary to make all Ontarians aware of child abuse and their responsibilities to fight against it.

The Canadian Red Cross tells us that about one quarter of all Canadian children are victims of abuse or neglect before they turn 16. In addition to the legacy of damage and pain, child abuse costs an estimated \$15 billion a year in Canada. The Red Cross program to fight child abuse gives us three important steps to follow if we suspect abuse.

The first is, of course, to learn to recognize abuse. Abuse can be emotional, physical or sexual. It can be a constant attack by an adult that negatively affects that child's self-esteem. And when someone neglects a child by failing to provide the basic necessities of life, that's also abuse.

Number two: If you see or hear something that seems abusive, pay attention. Contact the police or social agency that protects children in your area and tell them what you know. It's their job to investigate and determine the appropriate steps.

If something seems wrong with a young person in your life, you should gently ask them if something is wrong and if they would like to talk about it, but don't try to force the issue. Just let that individual know you are willing to listen.

We also have a responsibility to our own children. Let them know they can tell you anything and that you'll listen. Also, teach them how to react if a friend tells them about abuse, because young people often share information with one another that they won't share with adults. Remind them not to keep the secret, and let them know they can come to you at any time. Encourage them to keep telling until they get the help they need.

I would like as well to recognize the important role that Family Services York Region and YRAP, the York



Region Abuse Program, provide to the families in my riding and the rest of York region. We all have a responsibility to protect children. We need to know what to watch for and what steps we need to take.

### ELECTRIC BICYCLES

**Mr. Peter Tabuns (Toronto–Danforth):** It's clear that exploring low-polluting transportation options is important, but one of the disappointments this announcement about electric bikes does today, one of the disappointments for Ontarians, is that the electricity used to power these electric bikes under this pilot project will still be coming from dirty coal-fired electricity generating plants, the same plants that Dalton McGuinty promised to close, a promise he has walked away from.

We all know about the tonnes and tonnes of greenhouse gases produced by coal-fired generating plants. And as confirmed again by the Environmental Commissioner, the McGuinty government's complete lack of a climate change plan to address the reduction of greenhouse gases is a disgrace. It's very unfortunate that broken promises and environmental indifference have become the price for producing electricity in this province.

### CHILD ABUSE PREVENTION MONTH

**Ms. Andrea Horwath (Hamilton East):** I appreciate the opportunity to make some remarks about the child abuse and neglect prevention month that is upon us right now in Ontario.

I listened carefully to the remarks of the minister, who is charged with the responsibility of making things better for the children of Ontario, and I have to say that one of the things that I found a little disappointing, frankly, is the reference to the bill that was passed by this Legislature many, many months ago but, from my reading of the order paper, is still awaiting royal assent. So I would simply encourage the government to get that piece of work completed, because it's extremely important, although I personally disagreed with some of the measures, particularly around the way the government decided to deal with issues of complaints against children's aid societies.

The minister will recall that my preference was to have an absolutely separate and unbiased perspective on those issues through an Ombudsman oversight of children's aid societies. Nonetheless, a separate system was put in place by the government. The unfortunate thing is, that system is not yet up and running, so many children and their families remain in a state of limbo when it comes to concerns about the treatment of their cases or their situations by children's aid societies.

In fact, there is a particular gentleman who has been in touch with my office, quite concerned not only about his own experience—he comes from Hamilton; he no longer lives in Hamilton—of horrific, horrific child abuse and his frustration and inability, even to this day, to have his experience not only acknowledged and dealt with as a

serious complaint against the system, but also concerned that because the system is still not completely in place to address these kinds of problems, many, many other children in the province are at risk of a similar lack of response when it comes to the abuses they are unfortunately, tragically, being faced with here in the province of Ontario.

The gentleman's name is David Witzel. He asked me to explain to the members of this Legislature his specific experience at the hands of an abusive foster home. He and his brother were both beaten extensively with a belt buckle. They were never fed appropriately. Their foster parents were extremely sadistic. They were basically given table scraps as opposed to real meals.

I can go on and on. I feel uncomfortable, to be honest with you, raising these graphic descriptions, because the unfortunate reality that we have in the province, which is why this campaign is so important, is that we know very well there are children who are still being abused at the hands of people who have a real sick, sick problem, illness, in terms of their inability to treat children with the love and respect they deserve.

I was also interested to hear the minister's words, because in her words, she mentioned some of the features of neglect. But interestingly enough, the words she spoke didn't match the actual text of her speech. The text of her speech included "when a caregiver fails to provide basic needs such as adequate food." That was the first one on the paper. I didn't hear that in the minister's voice when she made the remarks based on this speech. It makes me wonder whether that's because the government is really embarrassed about the fact that there are still children in this province who are going to bed hungry, which is one of the biggest types of neglect that we have in the province of Ontario.

### VISITORS

**The Speaker (Hon. Michael A. Brown):** We have with us today in the Speaker's gallery a delegation from the province of Ragusa, Italy, led by the Honourable Dr. Franco Antoci. Please join me in welcoming our guests.

### CHINESE-CANADIAN HEAD TAX REDRESS DAY

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I seek unanimous consent for each party to be allowed to speak on the subject of Chinese-Canadian head tax redress for up to five minutes.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.

**Hon. Mike Colle (Minister of Citizenship and Immigration):** I rise on behalf of the government of the province of Ontario and the Premier, the Honourable Dalton McGuinty, to endorse this resolution recognizing June 22 as Chinese-Canadian Head Tax Redress Day.



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Our country committed a grave and deliberate injustice against Chinese Canadians. This injustice continued for over six decades. As there was no official response to this atrocious act of state for so many years, today I join Ontarians and Canadians of all backgrounds in denouncing this horrific practice. On behalf of the government of Ontario, I join the government of Canada in acknowledging this horrific episode in our history and apologize unequivocally.

June 22, 2006, was a landmark day in Canadian history. On that day the government of Canada tendered a long-overdue apology for one of the darkest chapters in our nation's past: the imposition of the head tax and the subsequent exclusion of Chinese immigrants.

Throughout our history, Canada's greatest strength has been its welcoming of immigrants from all over the world, but there have been times in our development as a nation when we have not recognized, valued or supported this reality. This was one example during those six decades.

This was the case with the abhorrent treatment of Chinese Canadians. It was in 1881 that more than 15,000 Chinese labourers, almost all young men, began to build one of our nation's icons, the Canadian Pacific Railway. This remarkable and pioneering landmark of infrastructure linked our nation from sea to sea. It was essential for the development and growth of Canada as we know it. Yet the incredible sacrifices of the Chinese Canadians who built our national railway were never acknowledged. These young Chinese men toiled under appalling conditions. Tragically, over 1,000 of these nation-builders perished, with little recognition or appreciation, yet they got the job done. Without these Chinese labourers and their sacrifices, this national dream, which is not only the railway but our country being unified from sea to sea, never would have happened.

It's sad to say that once the last spike was driven, these young immigrants were not given the chance to build a better life for themselves and their families. In 1885, a head tax of \$50 was imposed to discourage Chinese immigration to Canada. It was increased to \$100 in 1900 and \$500 in 1903, which is comparable to two years of wages; in other words, this was two years' wages that they had to pay to immigrate to Canada. These levies meant that many labourers who built the CPR and many Chinese immigrants who came later could not afford to bring their loved ones to Canada for years, if ever. Those families who eventually reunited were often forced to live in utter poverty.

This outrageous tax remained in effect until 1923, and was followed by a ban on Chinese immigration that continued up until 1947. This shameful policy closed the door to further Chinese newcomers, creating a lasting sense of exclusion among Canadians of Chinese heritage. Sadly, these malicious, racist measures, aimed solely at Chinese Canadians, were implemented with deliberation by the Canadian state and lasted, as I've said, for over 60 years. Again, we join in denouncing this injustice and

apologize unequivocally, as the government of Canada did.

We cannot undo the past, but we can and must learn from it. We can remember these historic wrongs and honour the contribution of Chinese Canadians to the prosperity and inclusivity of the society we are blessed with today. Commemorating June 22 each year will help us to do this. It will help our young people and future generations to be aware of the wrongs committed, the braveness and commitment required to stand up for injustice, and the strength that our nation and our province have gained from the contributions of Chinese immigrants and their descendants.

The head tax and the restrictive laws that followed were the product of a different time. I believe our deep regret that this has ever happened in Canada will help ensure that this never happens again.

For Chinese Canadians and for all Canadians, June 22, 2006, was a proud day, a day when we reaffirmed the vision we share for Canada, where all of our people are valued and all have the opportunity to live in dignity.

We also should congratulate the head tax families, the redress-seeking groups and the entire Chinese-Canadian community for their unwavering efforts to right this wrong, to secure redress for the head tax payers and to secure a formal apology for this grave injustice. I salute you and I salute all the victims of this horrific act of racism.

**Mr. Frank Klees (Oak Ridges):** I rise on behalf of John Tory, leader of the official opposition, and the Ontario PC caucus in support of the motion before the House to declare June 22 as Chinese-Canadian Head Tax Redress Day. This day would truly serve to honour the head tax families, the Chinese Canadian National Council, the Ontario Coalition of Chinese Head Tax Payers and Families, and the entire Chinese-Canadian community, especially in support of their efforts to rectify the injustices that resulted from the head tax and the Chinese Exclusion Act. It would also serve to gratefully acknowledge the many ongoing contributions of the Chinese-Canadian community in Ontario and in this country. It is largely due to the struggles of Chinese Canadians and others throughout Canadian history that Canada is today the inclusive multicultural society that we all enjoy and appreciate.

Chinese immigration to Canada began around 1858, to the gold rush in British Columbia. When the Canadian Pacific Railway was constructed between 1881 and 1885, however, Chinese were brought in from their homeland to help build it. During those four years, over 15,000 Chinese immigrants arrived in Canada. However, as soon as the CPR was completed, the federal government moved to restrict the immigration of Chinese to Canada. The first federal anti-Chinese bill was passed in 1885, and it took the form of a head tax of \$50 to be imposed, with few exceptions, on every person of Chinese origin entering Canada. No other group was targeted this way. The head tax was increased to \$100 in 1900 and again to \$500 in 1903. Five hundred dollars at that time was the



equivalent of two years' wages of a Chinese labourer. At the same time, the Chinese were denied Canadian citizenship.

In all, the Canadian government collected \$23 million from Chinese immigrants through the head tax. Despite this discriminatory tax, Chinese immigrants continued to come to Canada.

In 1923, the Canadian Parliament passed the Chinese Immigration Act, which excluded all but a few Chinese immigrants from entering Canada. Between 1923 and 1947, when the Chinese Exclusion Act was repealed, less than 50 Chinese were allowed to come to this country. Passed on July 1, 1923, Dominion Day, this law was rightly perceived by the Chinese-Canadian community as the ultimate form of humiliation. This is why July 1 has been called Humiliation Day by Chinese Canadians, and why they refused to celebrate Dominion Day for years afterwards.

The most devastating impact of the head tax and the exclusion act, however, was their impact on the development of the Chinese-Canadian family. During the exclusion era, early Chinese pioneers were not allowed to bring their family, including their wives, to this country. As a result, the Chinese-Canadian community became effectively a bachelor society as families became separated from one another for long periods of time. Many Chinese families did not reunite until years after, and many did not reunite at all.

Since 1984, the Chinese Canadian National Council has been seeking redress on behalf of the surviving head tax payers and their families and descendants, over 4,000 in all who have suffered from decades of discrimination. Although in July 2001 the Ontario Superior Court dismissed a class action suit on behalf of the head tax survivors, Mr. Justice Cumming made the following important statement that is worth noting: "It is vital that Canadians acknowledge this regrettable legacy as we strive towards building a society that both celebrates diversity and protects every individual's right to equality." To that end, "Parliament should consider providing redress for Chinese Canadians who paid the head tax or were adversely affected by the various Chinese immigration acts."

1420

It is an established custom in Canada and her Parliament and legislatures to honour the pioneers of our country and of our diverse cultural communities. The surviving head tax payers of the Chinese-Canadian community are, in many ways, its true pioneers. But to adequately pay them their due, Canada must first redress the historic injustices committed against them by way of the head tax and the Chinese Exclusion Act.

Prime Minister Stephen Harper has taken an important—I will say courageous—first step in publicly apologizing on behalf of the government of Canada to the survivors of the head tax for these historic injustices. The official opposition joins with him in that sincere apology.

I quote the words of the Prime Minister: "For over six decades, these malicious measures, aimed solely at the

Chinese, were implemented with deliberation by the Canadian state. This was a grave injustice and one we are morally obligated to acknowledge. We have the collective responsibility to build a country based firmly on the notion of equality of opportunity, regardless of one's race or ethnic origin."

However, the pain and the suffering of these injustices are not and cannot be easily erased from the memories of the families and their descendants who experienced them. This is why the proclamation of June 22 as the Chinese-Canadian Head Tax Redress Day will build on the important initiatives of the Prime Minister at the provincial level. Again, on behalf of John Tory and the PC caucus, and as the PC critic for citizenship and immigration, I am proud to support this motion.

**Mr. Peter Tabuns (Toronto—Danforth):** Today, this Legislature is honoured. It's honoured by the presence of individuals and their families whose fight against legislated racism has helped Canada turn the page from a dark chapter in its history. Today, this Legislature moves to honour them and formally express Ontario's gratitude to them for their tireless efforts and contributions toward making our society more inclusive, more prosperous.

In the gallery are Chinese-Canadian survivors of the discriminatory head tax. They're descendants and activists from the Chinese Canadian National Council and the Ontario Coalition of Head Tax Payers and Families. Together, they comprised a driving force behind the Chinese head tax redress campaign, which this year turns 22 years old. Their work and stamina in getting us all to this juncture cannot be understated. Over the course of the past two decades, the redress campaign has endured court cases, appeals, four different federal governments and setbacks, some of which are endemic to any such project, some of which are specific to attempts to redress the wrongs made by government. The campaign persevered and finally saw those efforts culminate in success this past June 22, when the federal government issued a formal apology for the head tax and the accompanying Chinese Exclusion Act and made a commitment to redress.

There is a general tendency to talk about legislation in abstract terms. The individuals who are joining us today remind us that legislation shapes the course of people's lives. They endured discrimination and impoverishment because of statutes passed in a Parliament, because of policies pursued by legislators.

Among those invited to watch this debate today is Mr. James Pon. Mr. Pon is an engineer, recipient of a Governor General's medal and he helped establish the Mon Sheong Foundation Home for the Aged and the Foundation to Commemorate the Chinese Railroad Workers.

Mr. Pon is also a head tax survivor. His father paid the head tax for him and his mother so the family could be united here in Canada.

In an interview with the *Toronto Star*, he recounted the struggles he incurred because of the head tax. Mr. Pon's father had to borrow the money to pay the head tax, encumbering the family with a debt that would take 17



years to pay back. This debt left Mr. Pon's family unable to support him, so at the tender age of 12, he found himself working in restaurants while going to school full-time.

Mr. Pon eventually moved to Toronto and proceeded to study engineering and business administration. He overcame other forms of institutionalized racism throughout the course of it all. Mr. Pon during his Star interview also revealed that, for years, he never mentioned the head tax to his family, in part due to feelings of shame.

He eventually decided to draw upon his experiences, to see to it that the story of the head tax and the Chinese Exclusion Act would end with a formal acknowledgment that the policy was unjust and a mistake. Mr. Pon and all the others saw their efforts bring about just such a watershed moment on June 22 this year. That day marked the start of the official reconciliation with the Chinese-Canadian community. Shortly afterwards, the city of Toronto moved to pay tribute to the head tax survivors, their families and the organizations by proclaiming June 22 as head tax redress day.

Today, this Legislature moves to recognize in a formal way the terrible injustices that the Chinese-Canadian community has experienced in the course of making our society more prosperous, and how it has made sure Canada turned that page from the dark chapter of its history.

It was stories like Mr. Pon's, and seeing first-hand the work undertaken by individuals such as himself, descendants of the head tax families and activist organizations, that prompted me to propose the resolution we are debating and voting upon today. June 22 should serve as a day when we commemorate how a community succeeded in its efforts to end an injustice. It should be a day when we acknowledge the tremendous debt we owe to the Chinese-Canadian community for its contribution in building our society's prosperity—contributions that for decades went unacknowledged.

To all those who fought for justice, thank you. Doje lay, doje sai.

*Applause.*

**Mr. Tabuns:** Mr. Speaker, I seek unanimous consent to move a motion without notice respecting Chinese-Canadian Head Tax Redress Day, following which the Speaker shall put every question necessary to dispose of the motion.

**The Speaker:** Mr. Tabuns asked for unanimous consent to put a motion without notice regarding Chinese-Canadian Head Tax Redress Day. Agreed.

Member for Toronto-Danforth?

**Mr. Tabuns:** I move that, in the opinion of this House, June 22 be recognized as Chinese-Canadian Head Tax Redress Day to honour the head tax families, the Chinese Canadian National Council, the Ontario Coalition of Chinese Head Tax Payers and Families, and the entire Chinese-Canadian community, their efforts seeking to rectify injustices that resulted from the head tax and the Chinese Exclusion Act and their contributions in making Ontario a more prosperous and inclusive society.

**The Speaker:** Is it the pleasure of the House the motion carry? Carried.

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**Hon. Harinder S. Takhar (Minister of Small Business and Entrepreneurship):** On a point of order, Mr. Speaker: I'd like to recognize the students from T.L. Kennedy Secondary School in my riding and their teacher, Darshan Harricharran. Welcome to the Legislature and enjoy the question period.

## ORAL QUESTIONS

### BOTTLE RECYCLING

**Mr. John Tory (Leader of the Opposition):** My question is for the Minister of Public Infrastructure Renewal. I read in the paper this morning about all the people that are lined up, after only three years, seeking the Premier's job, and I felt very badly because his name wasn't on that list. So I thought, out of a sense of fairness, that I would ask him this question that the Premier had previously been unable to answer.

Minister, you are responsible for the LCBO. We've asked the Premier, we've asked the Minister of the Environment, and so far no one has been able to tell us what the cost is of this bottle return scheme that was announced in a hurry, in time for the photo op on September 10. Can you tell us how much this program will cost? What will be the cost?

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I want to thank the member, and I note that his name is not on the list for the next Premier of Ontario either.

It's very true; for years, this member and his party, and the other party in fact, had a chance to show leadership and implement a deposit return system here in the province of Ontario. It took Premier McGuinty and the leadership of this government to want to take this kind of initiative, where others had not done before. You now say that you're interested in doing it, but I think your actions and your question speak volumes about the fact that you're not.

I'm very heartened by the words of the Association of Municipalities of Ontario president, Doug Reycraft, who says, "An LCBO deposit return system makes good sense environmentally and economically." That's the kind of leadership that is supporting this kind of initiative, municipal leadership right across the province of Ontario, and it will be the people of Ontario who will benefit.

**Mr. Tory:** Anybody can organize a photo op. I think the people of Ontario knew how serious this was when they saw the Premier of Ontario returning beer bottles on a Sunday morning. They know how customary an affair that is.

Now, it's a problem here that you can't answer the most basic question about your own scheme, because you promised many, many times over, personally, and your



government has promised, not to waste the taxpayers' money. If you can't be transparent and accountable, then that represents one more broken promise. We asked the Premier how much this will cost. He didn't know the answer. We asked the Minister of the Environment, and this is what she said—and I quote from Hansard: "If you want to know the details of the contract, you would know that's a responsibility of public infrastructure renewal. They're responsible for the contract so you should ask them."

So I'm asking you now: Isn't it reasonable that when you announce a much-heralded initiative like this, when the Premier was taking his beer bottles back on a Sunday morning, how much will it cost? Simple—

**The Speaker (Hon. Michael A. Brown):** The question's been asked.

**Hon. Mr. Caplan:** We want to give the Leader of the Opposition a chance to take his Chablis bottles back and return them, and make sure that he has the ability to do that. Here's what's particularly interesting: We have support from municipal leaders who have been calling for this kind of action for years. We have the Environmental Commissioner of the province of Ontario, who in fact in the committee said that one third of Ontario's used bottles meant for recycling end up in landfills. Is the blue box a proper way to capture LCBO containers? That's really the question. In that context, Gord Miller, an officer of this Legislature, says it's not.

The issue has been on the table for years. It's taken the leadership of this Premier and this government to want to get the job done, not only to have a good economic deal for the province of Ontario but to have the right environmental practices.

**Mr. Tory:** I guess that would be the same Gord Miller who yesterday said that this government was guilty of fundamental neglect of the environment. I think the people you talk about in the municipalities would have said that if you're going to do something like this, you do it properly.

You can't tell us what the cost is, or you won't. We have a letter here dated September 20. It's signed by the restaurant, hotel and motel people; the craft brewers' association; Spirits Canada; the Imported Wine-Spirit-Beer Association; the Greater Toronto Hotel Association; and the Wine Council of Canada. These people represent thousands and thousands of jobs across the province of Ontario and they're directly affected by this scheme. They say in their letter that they were not consulted in the rush to the photo opportunity on Sunday, September 10. They share our view that any scheme has to be transparent, accountable and cost-effective. They're asking that you not sign a contract until you sit down and talk to them.

My question now, beyond asking you one more time what it costs, is, will you sit down before you bring this scheme in and listen to these people? Isn't that a fair request?

**Hon. Mr. Caplan:** I've got to tell you, quite frankly, it doesn't take the member from Dufferin-Peel—

Wellington-Grey—for now—to ask us to talk to the wine council and the craft brewers' association and Spirits Canada. We meet quite regularly with them.

I should tell you, the question really is, is Mr. Tory for or against a deposit return system? I hear a lot of rhetoric coming from the gentleman, but what true leadership would say is, "Let's get involved." Every province in Canada, save and except Manitoba and Ontario, has implemented this system. This government has taken a leadership position where others, your government and the previous government, have failed to do so. Sir, this is incumbent upon you. Are you for it or are you against it?

#### ONTARIO LOTTERY AND GAMING

**Mr. John Tory (Leader of the Opposition):** I have another question for the Minister of Public Infrastructure Renewal. Let me say to him that I have been, since 2003, before you were elected, in favour, but in favour of doing it properly: knowing how much it costs, having a system that works. And I should say—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. The Minister of Health will come to order. The Attorney General will come to order.

The Leader of the Opposition.

**Mr. Tory:** The minister's leadership campaign is off to a very, very shaky start indeed.

We have received the results of a freedom-of-information request in which we asked for the costs associated with the rebranding of the Ontario Lottery and Gaming Corp. According to the letter, it cost the OLGC \$6 million to drop the "C," and that doesn't even include the cost of advertising. I think we would all agree that the only one maybe who deserves \$6 million for a "C" is Mats Sundin.

Anyway, let's add several million for this ad campaign you have on that won't sell one lottery ticket anywhere, anytime. We now have you spending \$10 million of public money on this rebranding. As the minister responsible, can you tell this House if you think this is a wise investment of the public money, and will it produce good value for Ontario taxpayers? Is that your view?

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Quite frankly, I don't know where this new figure from the member opposite has come from. I know members of his caucus had a chance to speak with Ontario Lottery and Gaming president and CEO Mr. Duncan Brown at the standing committee on government agencies. He made it very clear that it was a \$6-million strategy, including advertising, on the rebranding exercise.

It is a large amount of money that they have allocated to advertising, and it is quite reasonable, as an organization, for this size and this scope and the kind of activity that they have. Any new rebranding effort that will help Ontarians know that they received the same high standard of integrity, entertainment and service at any of the OLG's 27 gaming sites, or where lotteries are sold. This is a good investment.



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I would recommend that the member review the Cooper 360° broadcast where they show that there is a significant problem as far as the integrity of gaming—

**The Speaker:** Supplementary.

**Mr. Tory:** I say to the minister, and I think the public would agree with this, that not only is it not a good investment; it is obscene that you would spend \$6 million on that kind of—

*Interjections.*

**Mr. Tory:** This is public money that the lottery corporation and I'm sure your government tell people, when they support the gaming, goes to hospitals, community organizations and non-profit organizations. It could be used for any purpose more important than signs and ad campaigns handed out to your Liberal friends.

Can you tell us why it is more important for you to spend somewhere between \$6 million and \$10 million, when you add in the ad contract, of the hard-earned money the taxpayers have sent to the lottery corporation on the ad campaign and the signs and all of these other obscene expenditures than to give that money to help solve the emergency room crisis, to help some farmers who need help or, heaven forbid, to help the families of autistic children, for whom you've done nothing?

**Hon. Mr. Caplan:** The leader of the official opposition presents incorrect information to this Legislature. In fact, the Ontario Lottery and Gaming Corp. for the province of Ontario provides additional resources that we can invest in hospitals, in schools and in infrastructure.

We saw under the previous government the beginning of revenue decline in this agency, the need for investment and the need for their ability to generate even more revenues so that we could and so that our Treasurer could invest more in hospitals, more in schools and more in the infrastructure of the province of Ontario.

I know Mr. Tory is quite familiar with these kinds of exercises. In fact, this is the same type of exercise that was used during his term of office at Rogers Communications.

**Mr. Tory:** You seem to have some trouble distinguishing between taxpayers' money and other money. This is money that could have been invested in more nurses for Ontario, could have been invested in helping more autistic children in Ontario, could have been invested in helping more farmers in Ontario. But instead, what you did, according to the freedom-of-information material, is you used it to invest, for example, \$200,000 in focus groups and public opinion research just so we can see the degree to which the public was clamouring for you to take this "C" out, at a cost of \$6 million to \$10 million.

Will you agree to table this research so we can all see how the public as one were rising up and saying, "Please spend \$6 million or \$10 million of our hard-earned money on a rebranding exercise instead of on nurses or farmers or autistic children"? Will you table that research?

**Hon. Mr. Caplan:** The facts of the matter are these: Revenue under the Tories for this agency was in decline, so this government has made, with its agency, specific investments in Windsor in the corporation in order to enhance the brand and enhance the revenues that are invested in our hospitals.

That party cut funding to hospitals; this party invested in our health care system. That party cut money to education; this party invests money in education. That party downloaded infrastructure onto our communities; this party is investing \$30 billion in our much-needed infrastructure.

I will put our record up against Mr. Tory and his government any day of the week, and twice on Sundays.

#### HEALTH CARE SPENDING

**Mr. Howard Hampton (Kenora-Rainy River):** My question is for the Premier. Premier, under the McGuinty government, the number of doctors being paid more than \$476,000 a year jumped by 56% last year. Meanwhile, the McGuinty government okays the takeover of hospital emergency rooms by profit-driven private corporations, and other hospital emergency rooms are on the verge of closure. Emergency room doctors, like those at the Grand River and Cambridge hospitals, are quitting because of poor working conditions and inadequate pay.

Premier, if more doctors are getting paid close to a half-million dollars a year than ever before in Ontario under the McGuinty government, why aren't things getting better for patients in hospital emergency rooms?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** It's hard to figure out from one day to the next where the leader of the NDP is coming from on this particular issue. Yesterday his colleague said that we should be paying more to emergency room doctors. Today he's telling us that he's got a real concern about the increase in pay being received by some Ontario specialists.

We are glad to make that investment in improving the quality of health care and access to health care for the people of Ontario. It's because of that investment that we've had an 11% increase in productivity from doctors in the province of Ontario and those doctors have been able to take on 420,000 more patients. Is that money well invested? We think it really and truly is, and we're pleased to make that investment on behalf of the people of Ontario.

**Mr. Hampton:** Premier, the simple fact remains: Yes, you're paying out a lot more money to physicians, but the situation in emergency rooms is getting worse. Your Minister of Health claims that emergency room doctors are being paid upwards of \$170 an hour. Emergency room physician Dr. John Carter from Grand River says, "To realize this amount, the typical full-time emergency physician must work 26 weekends per year, including holiday weekends, and provide the majority of their clinical services in the middle of the night. It is not surprising that there is a dwindling cadre of physicians



who will practise in the ER, especially when they know they can work more regular hours in a lower-stress environment while earning similar or grander incomes outside of the ER."

Premier, you won't let hospitals pay their emergency room doctors appropriately because you say you don't want to pit communities against one another. Meanwhile, exhausted and overworked and underpaid ER physicians see the McGuinty government paying physicians a half-million dollars a year. Where's the logic in that, Premier?

**Hon. Mr. McGuinty:** Now I get where the leader of the NDP is going. He now wants to pit some doctors against other doctors and some communities against other communities.

The agreement this government entered into with the Ontario Medical Association specifically provided for removal of that artificial cap that had suppressed the activities of some specialists in Ontario. I think we all recall stories about ophthalmologists, for example, who closed up shop on a Thursday afternoon. Now they're open on a full-time basis throughout the week.

We also negotiated as part of that same OMA deal an increase for our emergency room doctors of 12%. That was part of the package. So we saw what we think is a fairly generous increase for all of our doctors. We made our family docs the best paid in Canada and our specialists the second-best-paid in Canada. We knew we had to be competitive. We knew we had to ensure that we had doctors who were enthusiastic about going to work and providing good-quality care to the patients. That's what we put in place. That's what we will continue to support.

**Mr. Hampton:** Premier, when you and your Minister of Health boasted about your pay deal with the OMA, you promised things would change, would get better for patients in Ontario, but there are more underserved communities that can't get a doctor today than ever before. There are over one million orphaned patients and 20 emergency rooms on the verge of closure or takeover by profit-driven corporations, which you say is okay.

Premier, I think it's pretty clear you didn't think much about emergency room physicians when you boasted about your OMA pay deal, but the question is, did you forget about the emergency room patients too?

**Hon. Mr. McGuinty:** To the contrary. We are very proud of our agreement that we entered into with Ontario doctors.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** He called it nasty.

**Hon. Mr. McGuinty:** The leader of the NDP called it nasty. He said that we had wrestled doctors to the ceiling, and he said it was a bribe, effectively telling us that we were paying far too much to Ontario doctors. That's what he said.

**Hon. Mr. Smitherman:** Now he says it's not enough.

**Hon. Mr. McGuinty:** Now he's saying, of course, that it's not enough.

Part of that package involved a 12% pay hike for emergency room doctors. I think we have a real issue—

and I acknowledge this to the leader of the NDP—when it comes to pay packages for emergency room doctors, and we're taking a look at that. I want to make that clear. That's something we're doing in concert with them.

Beyond that, we have made some significant progress, whether it's taking on 420,000 new patients, ensuring that our specialists are working on a full-time basis, or bringing angiography wait times down by 28 days, cataract surgery down by 61 days, hip replacements down by 63 days, knee replacements down by 52 days and MRIs down by 28 days. We have made some strategic investments. They've resulted in continuing improvement and quality of care for Ontarians. There is an issue in our emergency rooms, and we are on top of that.

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## EDUCATION FUNDING

**Mr. Howard Hampton (Kenora-Rainy River):** Emergency rooms that hundreds of thousands of patients need access to every day are falling further and further behind under the McGuinty government.

Premier, it's three years to the day since the last provincial election. Back then, a flawed education funding formula was forcing damaging cuts in the classroom. Back then, democratically elected school trustees were axed because they respected their parents and their students and they refused to implement those cuts in the classroom. Back then, the Premier said that they'd made unprecedented investments in education and that trustees were simply being irresponsible. Premier, you promised to fix all that. Can you explain why, three years later, so little has changed?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Well, if the leader of the NDP truly believes that nothing has changed in public education, then I can only surmise that he has not visited one of our public schools in the last three years, because there is a level of enthusiasm, there's a level of excitement, there are more text books, there are smaller classes, there are more teachers, there are more teachers who are getting better training. Test scores are going up. Graduation rates are going up. There is a level of commitment from a government towards public education that is virtually unprecedented in the history of this province. So I'd ask the leader of the NDP to remove himself from the confines of his office and to physically visit schools in Ontario, talk to parents, talk to teachers, talk to students and come to better understand that yes, we are making progress in Ontario in public education.

**Mr. Hampton:** Well, unlike you, Premier, I actually have two children in elementary school and I talk to teachers every day, so maybe you should follow your own advice.

But like the Conservative government before you, you claim that you've made—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. I'm having great difficulty hearing the leader of



the third party. I need to be able to do that. Leader of the third party.

**Mr. Hampton:** Like the Conservative government before you, you claim to have made unprecedented investments in our public schools. But a report released today by the Canadian Centre for Policy Alternatives says one in three Ontario students is getting less funding from the McGuinty government than they got from the Conservative government 10 years ago. The study also reveals that your so-called investments are actually causing cuts in the classroom, since you provide less money to boards than it costs to implement your latest schemes.

Premier, you promised change, yet parents see more of the same. The question is, are you finally going to fix the school funding formula that you admit is flawed, or are you going to take the drastic step of taking over the Dufferin-Peel Catholic District School Board and forcing your damaging cuts on the classroom?

**Hon. Mr. McGuinty:** Well, the leader of the NDP may not recall what it was like in our public schools during the Conservative government years, but students, parents and teachers most definitely do. He knows that it is completely inaccurate to compare our level of funding in our first two years with the Conservative government's level of funding. They took \$200 million out; we put \$2.7 billion in. We've increased funding on a per capita basis by \$1,500. The point is this: We are working, we're working hard, together with our school board administrators, our trustees, our principals, our teachers and our parents, to ensure not only that we make essential investments in public education, but beyond that, that we get measurable results for those same investments. We are making those. Some 68 out of 72 school boards have managed to balance their budgets. We will continue to work with those that are having challenges.

**Mr. Hampton:** Well, Premier, I know 11 school boards up north that managed to balance their budget by making cuts in the classroom, cuts that your government ordered. You say that axing school board trustees and appointing a provincial supervisor to make the cuts is simply "an administrative issue." You say, "It's not being done on the backs of kids." You say that your government is different. But here's what Oliver Carroll, chair of the Toronto Catholic District School Board, says: "It's like saying the hangman is a nicer guy. What difference does it make? It's still a hanging."

Premier, the question is this—and you can't avoid it; you admit that the school funding formula is flawed and inadequate: Are you going to fix the school funding formula like you promised, or are you going to take over the school board in Dufferin-Peel and force your cuts in the classroom? Which is it, Premier?

**Hon. Mr. McGuinty:** The sky is not falling in public education in Ontario. I would argue that the skies are bright and promising.

When it comes to Dufferin-Peel Catholic District School Board—again, I think the facts are important—over the last three years they've seen a per pupil increase

of 18%. When it comes to class sizes, half of the early years classes are now capped at 20. There are 137 new teachers. Test scores are up by over 10% across the board. They're performing very well. When it comes to rebuilding crumbling schools, almost \$60 million has been invested in projects to fix schools.

We think we have invested a tremendous amount of new dollars in public education. There are a few boards that are having some challenges, managing in the best way possible, so we are prepared to work with those boards. We're prepared to ensure that they take every advantage of all the new dollars we've invested in a way that does not compromise quality of learning.

#### MINISTER'S COMMENT

**Mr. Robert W. Runciman (Leeds–Grenville):** My question is for the Premier. Yesterday, I asked the Attorney General a question with respect to the proclamation of Bill 86, rescuing children from sexual exploitation, and the Minister of Northern Development and Mines interjected during the Attorney General's response with a comment that—

**Interjection:** Was that on the record?

**Mr. Runciman:** Yes, it's on the electronic record—"Tories abuse children." Earlier today, the Minister of Northern Development stood up, failed to withdraw that comment from the record and trivialized the apology by including birthday greetings.

Premier, will you ask that minister to stand up today, now, repeat that apology and make a meaningful withdrawal of that offensive comment?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I believe that the minister made it perfectly clear that he was making an apology for that statement, that it was something that he did not intend to cause offence through, and I think we should leave it at that.

**Mr. Runciman:** I suspect he trivialized it on the direction of the Premier's office, as it's the sort of thing we've seen from this government and this Premier: endorsement of vicious personal attacks in the Parkdale by-election, politics through character assassination. It's your endorsement, by promoting your chief mudslinger to be Deputy Premier, of those kinds of activities that includes and encourages your own cabinet ministers to make comments like that and not stand up and make a meaningful apology.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. The Minister of Energy will come to order.

*Interjection.*

**The Speaker:** I will warn the Minister of Energy for the last time.

The member for Leeds–Grenville.

**Mr. Runciman:** I ask the Premier to support his own moral rectitude and demand that that minister stand up, make a meaningful apology and withdraw that offensive remark.



**Hon. Mr. McGuinty:** The minister not only offered an apology from his seat; subsequent to that, he visited the leader of the official opposition personally, as well as Mr. Runciman, and extended a personal apology. I'm not sure how this ranks in Mr. Tory's books, but in my books, one of my members made a mistake and he apologized for that. From time to time, any of us on any of these benches can make a mistake, caught up in the heat of the moment. He extended an apology here and he crossed the floor and apologized personally to two gentlemen over there. In my books, that ends the matter.

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### CORRECTIONAL FACILITIES

**Mr. Peter Kormos (Niagara Centre):** A question to the Minister of Correctional Services: Why has your ministry ignored the recent plague of racist death threats that have been and continue to be made against correctional officers in our provincial correctional system?

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** There's no place for racism or harassment in the workplace. Whether it be sexism, hateism, harassment or racism, there's no place not only in the correctional service but throughout the public service, and it should be that way throughout every single workplace in the province.

You're obviously questioning me because of a statement that was put out by Leah Casselman of OPSEU, in which she says—and I have to say to you, she says it incorrectly. She claims that "Community Safety and Correctional Services has not launched an investigation, has not performed a risk assessment for the threatened individuals, has not spoken out against the threats in the workplace." I should tell you that this first emerged in 1998, 2000, 2002, and we have addressed it. It has been handled by the Ontario Human Rights Commission and referred to their tribunal. On the supplementary, I'll tell you how we've done it.

**Mr. Kormos:** Minister, we're talking about the recent spate of death threats directed at black correctional officers, people like Charlene Tardiel and Trevor Marrett. They're here today. However loath I am to do so, this is what they read when they open their lockers at work and the types of messages that are left in places in correctional facilities where inmates don't have access, including lines like "a gun will not be used, nigga; a knife will be in place to cut your fucking throat."

Minister, you haven't launched an investigation into these death threats, you haven't performed a risk assessment for these threatened workers, and you have done nothing to bring this racist and criminal activity to a stop. Isn't it time for a public inquiry into what's gone on in these correctional facilities and your ministry's failure to stop it?

**Hon. Mr. Kwinter:** The member is now repeating information that is incorrect. Every single event has been reported to the Toronto Police Service, every one of them, as well as to the ministry investigation service.

Right from day one, when the graffiti appeared, when the letters appeared, it was referred, and there are ongoing investigations by the Toronto Police Service. OPSEU knows that; they absolutely know that.

As far as the risk assessment, you can't do a risk assessment if you don't know where the risk is. There is some public safety counselling that is going on with the police, and the investigation is ongoing.

As far as not doing anything about it, and this is really the thing that bothers me the most, we have a committee set up between OPSEU and the correctional service that is dealing with anti-racist remarks, dealing with systemic change. It has gone to the Ontario Human Rights Tribunal. Everybody knows that. As a matter of fact, the member from Simcoe North asked me that question on April 6, earlier this year, and I gave him the same answers that we have now. We are totally aware of the situation, the police are investigating it—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister.

### WATER QUALITY

**Mr. Pat Hoy (Chatham-Kent Essex):** My question is for the Minister of Agriculture, Food and Rural Affairs. Yesterday the Environmental Commissioner of Ontario released his annual report. He said that he is concerned "that changes to several of the requirements for large livestock operations have weakened accountability and assurance of compliance" with the nutrient management regulation.

I know that a healthy environment and a strong agricultural industry are not mutually exclusive. Farmers have long been important environmental stewards of this province. I'm proud of the farmers in my riding and the work that they have done to better protect our environment. Minister, can you explain the changes that we made to this regulation and any assistance we are providing to help farmers be those good stewards?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Good question.

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** It's a very good question. I want to say, first of all, that our ministry certainly looks forward to the report of the Environmental Commissioner. We are always eager to understand ways that we can improve our record and that we can better communicate our record.

I think it's very important to take this opportunity to say to the people of Ontario that with respect to the nutrient management regulations, our regulations require a certified person to assist farmers in the establishment of their nutrient management plans. These plans are required to be updated annually, and the records of these plans must be kept on the farm. As a result of our changes in the regulations, the number of farm operations that are now required to have nutrient management plans in place has doubled. As a result of that, our commitment



of \$20 million to support the agriculture industry to implement the plans—the demand was greater than what we had set aside, so we came up with an additional \$3.7 million to assist our farmers to meet those regulations.

**Mr. Hoy:** It's reassuring to know that the changes made to the nutrient management regulation actually increased compliance and accountability while still recognizing the unique and challenging realities of farming.

There have been some startling headlines and statements made in the last few days which suggest the province is not doing enough to protect drinking water. I don't believe these statements are corrects. When this government introduced the Clean Water Act, Bruce Davidson, vice-chair of the Concerned Walkerton Citizens, stated, "The introduction of the Clean Water Act represents a crucial first step in the holistic stewardship of Ontario's drinking water for generations to come."

Minister, would you please explain this notion of holistic stewardship of drinking water and assure Ontarians that the government continues to make the protection of drinking water, from source to tap, a priority?

**Hon. Mrs. Dombrowsky:** I would refer that to the Minister of the Environment.

**Hon. Laurel C. Broten (Minister of the Environment):** The Walkerton tragedy was a wake-up call for our province. Justice O'Connor indicated at that time that we needed this holistic approach to the treatment of water. We need to treat, test, inspect and enforce. We need good management, and the nutrient management program is one of those mechanisms of good management. But, on top of all of it, prevention, Justice O'Connor indicated, had to be key.

The Clean Water Act itself meets 12 recommendations of Justice O'Connor. It puts prevention and protection of the source of our drinking water as the first initiative. It is always most important to prevent the contamination of that drinking water. As the Environmental Commissioner himself said yesterday, the best protection for our drinking water is to get source water protection in place.

I'd ask the opposition to join with us and support the Clean Water Act. Let's get water protected in Ontario.

#### LONG-TERM CARE

**Ms. Lisa MacLeod (Nepean–Carleton):** My question is for the Minister of Health. This past summer, I wrote to the Premier about the looming health care crisis in Ottawa. According to Ottawa's hospital administrators, we are short 850 long-term-care beds. That's the size of one small community hospital.

Just last week all Ottawa area hospital CEOs, including our LHINs director, Dr. Robert Cushman, added their voices and signed off on a cautionary letter to your deputy minister, asking you to address this looming crisis and find alternative care for those occupying 25% of the beds needed for patients in Ottawa's hospitals.

Minister, Ottawa area hospitals need you to act. After three years of broken promises, are you prepared to

acknowledge there is a looming health care crisis in Ottawa, are you prepared to put a plan in place that addresses the shortage of LTC beds and the fallout from this, and are you prepared to work with me, Jack Kitts, Tom Schonberg and Robert Cushman so that the people in Ottawa will get the care they need and the care they deserve?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I'm prepared to work with anyone who is in favour of that. But as a Conservative from Ottawa, your capability and track record is highly in question, because the record of your party while in government with respect to Ottawa was not something to be proud of, notwithstanding your bluster today. Grace Hospital closed. Riverside hospital closed. You tried to close the Montfort, and you tried to take away the cardiac rehab program from CHEO.

I'm pleased to say that on our watch, not only is there a construction crane on site or having just left at every hospital in Ottawa, but we've worked to enhance Ottawa's access to services. Note the improvement we've made, as an example, with respect to MRI. Under your government, you couldn't even find one. Now these wait times have been reduced by something like 75%, not to mention the role we've given CHEO as the centre of our newborn screening initiative.

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The point is, Ottawa knows it's on the map in a way that it wasn't under your government, and as a result, we're very, very proud of the improvements we've made, acknowledging, of course, that it takes a lot of effort to undo the eight and a half years of destruction that you sowed.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order.

*Interjection.*

**The Speaker:** The member for Renfrew–Nipissing–Pembroke is now warned.

The member for Nepean–Carleton.

**Ms. MacLeod:** I touched a nerve. The Ottawa Hospital administrators have to talk to me because they're getting nothing out of you.

This minister needs to stop living in the past. This is not Mike Harris's fault. It is not Ottawa Conservatives' fault. You've had three years to address this problem, but you've failed.

Tom Schonberg, the Queensway Carleton Hospital CEO, today called me to tell me that three surgeries yesterday were cancelled at the Queensway Carleton Hospital because the beds needed for recovery are currently being occupied by people in acute care. He tells me that this is a weekly occurrence at the QCH and at the Ottawa Hospital.

Ministers of the crown in this government are either responsible for their departments or they're not. When is this minister going to stop fighting the ghosts of Parliaments past, take a look at himself in the mirror and realize that he, and only he, can stop the cancellation of surgeries in my city? When is this minister going to



respond to me, the CEOs of Ottawa's hospitals, our LHINs director and every other Ottawa resident with a plan that will take the stress off of our hospitals, provide our aging population with the care it needs, and those waiting for surgery with a bed—

**The Speaker:** The question has been asked.

**Hon. Mr. Smitherman:** I know that the first phone call I'll have an opportunity to check on my voice message will be from Jack Kitts, who's saying that this honourable member had no privilege to the use of his name in the fashion that it was used, because Jack Kitts knows very well, through the work I do very directly with him, from our mobile phones to one another, through the meeting the Premier had recently with him and Yves Tremblay, the chair of that board, through the work that we've done, which has meant that the Ottawa Hospital and every other hospital in the province of Ontario have received more resources from our government every single year—and in fact, because we've done multi-year funding, they also know that they're getting more money next year and more money the year after that.

We built Roger's House to support children who are in need of hospice services. We've done at the Perley veterans' centre a new respite care facility. In Champlain, we've recently provided \$3.5 million to establish a leading Ontario mechanism to reduce wait times related to cancer surgery.

The reality is clear. Our investments, using the people's money on behalf of improved health care in Ontario, are paying results, as can be demonstrated—

**The Speaker:** Thank you. Order.

## ONTARIO ARTISTS

**Ms. Cheri DiNovo (Parkdale–High Park):** My question is for the Minister of Culture. According to your election platform, a report on the status of the artist in Ontario was to have been completed within the first two years of your mandate. The report was to lay the foundation for status-of-the-artist legislation that would improve the living standards of tens of thousands of Ontario's artists. Three years into your term, the report has still not been released. Minister, when is this long-overdue report going to be released?

**Hon. Caroline Di Cocco (Minister of Culture):** I'm very proud of the work the advisory committee has done in consulting with the artists in this province. It has been like no other consultation in the province, in that over 4,000 artists, groups and organizations have been consulted. We are in the process of evaluating and taking a look at the report, and we are going to be moving forward in providing legislation that is going to deal with valuing the artist for the very first time in the province of Ontario.

I am also very proud to say that for the very first time in a very long time, the cultural sector in this province has a great deal of hope in the work that we have done.

We are providing hope to the sector, as well as 38% more funding.

*Interjection.*

**The Speaker (Hon. Michael A. Brown):** The member from Renfrew has a very short memory.

*Supplementary.*

**Ms. DiNovo:** How many times in this House have we heard that they're working on it, the cheque's in the mail and there's another promise coming? Artists earn \$26,800 on average. That's a quarter less than most Ontarians. Meanwhile, the McGuinty government has slashed \$88 million from the budget.

This legislation is important to improving the working lives of Ontario artists. Many are classified as independent contractors, according to the Employment Standards Act, and they're exempt from the minimum standards that protect the rest of the workforce.

Minister, I ask again, will you immediately introduce status-of-the-artist legislation providing protection in the workplace for Ontario artists, or is this too going to be another McGuinty broken promises?

**Hon. Ms. Di Cocco:** I'd like to correct the record on a couple of matters. First of all, I would like to state that the total operating and capital expenditures for 2004-05, the actuals, were \$344 million. For 2005-06, it was \$475 million.

I've had the occasion to go and speak to and be with many, many of the cultural agencies in this province. I have to say they're very pleased with the support we have provided to the agencies, to the organizations, to the Ontario Arts Council. I have to say that I continue to be proud and I thank the industry for how they're providing quality of place to the people of Ontario.

## PUBLIC TRANSPORTATION

**Mr. Richard Patten (Ottawa Centre):** It's a pleasure for me to attempt to bring some civility to question period and to ask some really tough questions at the same time. I have a question for the Minister of Transportation. Minister, you know that especially in a riding like mine, transit is a conversational topic that's discussed widely. As we have great volumes of commuters and tourists, people coming in from the suburbs and outside of the city itself, it's a major concern to us.

The city has gone through drought periods where for five years before we were the government, there was little, if any—like zero—investment in transit. We know the purpose of transit is to move people effectively and efficiently from one place to another without destroying the environment at the same time. I would like you to help my constituents understand and to share with the House today what are some of the things you and this government are doing to promote mass transit in the Ottawa area.

**Hon. Donna H. Cansfield (Minister of Transportation):** I thank the member for the question. We are going to continue to tackle the challenges of congestion.



Obviously, there are multiple ways with which to do it, but definitely transit is one of the most significant ways.

We have made a record investment in transit in Ottawa. Ottawa wishes to increase their ridership by some 30% by the year 2021, and we feel we have a responsibility in working with them to do that. We've made a commitment since October 2003 of \$322 million to the city of Ottawa. That includes the \$200 million for the expansion of the O-Train along the north-south corridor from downtown Ottawa to Barrhaven. We also, by the year 2007, will have \$83 million worth of gas tax that will go to the city of Ottawa, in addition to \$10 million that we have invested. We know there are things that we can do working with the city and, in addition, things we can do, such as HOV lanes, to ensure—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary, the member for Glengarry–Prescott–Russell.

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**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** Minister, I am pleased to see that our province has committed \$200 million to the Ottawa light rail transit and the city of Ottawa has also fulfilled their commitment. But I'm told that the other level of government is dragging their feet on this issue. Could you inform this House, where is the federal government commitment to this project?

**Hon. Mrs. Cansfield:** I thank the member for the question. First off, we have reaffirmed our own commitment for the \$200 million. If you go back to May 2005, there actually was a memorandum of understanding among the governments, the city of Ottawa, the federal government, and ourselves. We know that Prime Minister Harper's government has been the beneficiary of some fairly significant surplus, so we're very confident that he is going to maintain his commitment to the city and the people of Ottawa, because we know that he wants, as we do, to be able to deal with the congestion issues and to serve the people of Ottawa in the best way that we possibly can.

## CLIMATE CHANGE

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** To the Minister of the Environment: Yesterday, the Environmental Commissioner issued a stern warning that your government is neglecting your obligations. He stated that had there are examples of government inaction in almost every area of environmental management. Minister, during estimates you said, "If you look at the Ministry of the Environment website, there is a clear description of Ontario's integrated approach to climate change and clean air." But in his report, the Environmental Commissioner said, after a search of government websites, that it was revealed that the policy documents "contained little or no mention of projected climate change impacts." He then contacted your ministry staff and was told that there is no formal plan or strategy dealing with adaptation to climate change. Minister, what is your plan for

climate change, or should we just assume there is no plan, like the LCBO?

**Hon. Laurel C. Broten (Minister of the Environment):** I'm pleased to have a chance to talk about Ontario's strategy with respect to climate change. Ontario's strategy with respect to climate change, as I indicated in this House yesterday and indicated in estimates, is a multi-ministry strategy. To tackle this serious issue across the world, across the globe, we need to move beyond the silos of government. We need to look at a different approach to tackling climate change. We need so see investments in public transit—and we've made historic investments in public transit. We need to have investments and an examination of how we do business in the province and make sure that we innovate and provide dollars with respect to research and innovation. That's what we're doing.

On so many fronts, so many of the ministers that sit on this side of the House understand the critical challenge that is before us as a society. Like Ontarians, we're rolling up our sleeves and we're making decisions across multiple ministries to make sure we tackle this very serious—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Ms. Scott:** I guess the plan is to roll up your sleeves, because the Environmental Commissioner did search other ministry websites, not just your own, and could find no plan. In fact, in your government's own estimates, this year's budget on climate change has been reduced by more than \$27 million. You also said yourself in committee on estimates that the Ministry of the Environment's operating budget has been reduced by \$41.2 million. The previous Minister of the Environment stated in 2004, "This government has placed the environment as a priority." Yet we see over and over again that you're cutting operating budgets within the ministry. You've broken your promises to the people of Ontario for three years. Minister, why are you keeping Ontarians in the dark on protecting them from the effects of climate change?

**Hon. Ms. Broten:** Maybe you're looking for a piece of paper. On this side of the House, we're taking action. The Minister of Energy is making sure that we develop clean, green energy sources. The Minister of Government Services is making sure that across government we ensure that we move forward with conservation strategies: Bill 21 and conservation—all of those initiatives.

You need to move out of the silo that you live in and get with David Suzuki and Al Gore. We need to re-examine as a society the entire way that we live. No longer can climate change be the sole responsibility of the Ministry of the Environment; it's not. And you yourself know—because I answered your questions at estimates—the budget line item that you're looking at is with respect to the negotiation of the Kyoto Protocol. With the current federal government, frankly, that seems like it is a distant past. We need the federal government to participate. The ministry's budget is fluid. We look



forward to engaging with our current federal government, because they need to rebuild their budget, put that \$8 billion back on this table, give the \$538 million—

**The Speaker:** Thank you, Minister. New question.

### ENVIRONMENTAL PROTECTION

**Mr. Peter Tabuns (Toronto–Danforth):** My question is for the Premier. Premier, exactly one year before the 2007 provincial election, the Environmental Commissioner of Ontario confirmed yesterday what Ontarians have known for some time, that the environment is not a priority for the McGuinty Liberal government. I want to read from the commissioner's report—those who scoff on the other side. He states:

“What I have realized is that inspection and enforcement targets are not being met, essential environmental standards are not being updated, important timelines are not being met, necessary guidance documents are not being written, the problems of the Great Lakes are not being addressed, there is no strategy for climate change, information on the state of our landfills is years out of date, and our waste management program is on the edge of crisis.”

The commissioner concludes that Ontario's environment is being shortchanged by the McGuinty government.

Mr. Premier, will you begin to reverse your neglect of the environment, take the commissioner's challenge and provide a penny of every operating dollar to the Ministry of the Environment?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of the Environment.

**Hon. Laurel C. Broten (Minister of the Environment):** Did we inherit a neglect in the Ministry of the Environment from the former government? No doubt about it. Have we taken historic strides forward to reinvest in that ministry? Absolutely.

Let me tell you about some of the accomplishments we've made as a government: a greenbelt across this province—let's talk about the greenbelt and what that will leave to future generations; \$1.4 billion over five years in gas tax funding to invest in public transit, to help people get out of their cars, get off the roads, get onto public transit; 5% ethanol in gasoline—some 800,000 tonnes of greenhouse gas emissions will be reduced by that single feature alone; the Clean Water Act—better treatment, better planning.

There's no doubt about it. There is a great deal of work to do, but every single day at the Ministry of the Environment, 64% of our budget goes to personnel and 50% of that personnel is out on the front lines, investigating and enforcing. Is there more work to do? No doubt about it. Are we prepared to do it? You bet.

**Mr. Tabuns:** I'll give the minister this: She does well with a very poor hand.

The commissioner's research and its inclusions are very clear: The environment is not being protected under

the McGuinty government. In fact, in some instances, such as the protection of water under the Nutrient Management Act, the Environmental Commissioner reveals there's actually less protection than under the Harris-Eves government. He emphasizes that funding essential ministries like the environment, and I quote the Environmental Commissioner—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order.

**Mr. Tabuns:** The quote is worth hearing, Mr. Speaker.

He says, “Funding essential ministries”—like the environment—“at such low levels that they are bound to fail is a fundamental neglect of our obligations to the natural environment, to the people of Ontario, and to the generations yet to be born.”

Minister, when will your government commit to spending one cent out of every operating dollar for the Ministry of the Environment?

**Hon. Ms. Broten:** Let me tell you what the Ministry of the Environment budget is accomplishing across the province: 99% of drinking water tested in this province is meeting every one of our very high levels of standards, according to the chief drinking water inspector.

Our operations staff: We are directing our resources out to the front lines to respond to spills to make sure our drinking water is safe—up by 54 individuals. We are directing those resources to the front lines to make sure Ontarians can have clean, safe drinking water.

Let me also quote from the Environmental Commissioner, who himself said in response to the Clean Water Act, “Once the Clean Water Act is passed, will we be better off? Yes, there is no question. It will turn our attention to that last important component of water protection in this province,” which is a good look at the source water. That's absolutely an essential part.” So join with us. Support the Clean Water Act. Let's get that protection in place so we can ensure Ontarians have clean, safe drinking water.

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### STRATFORD FESTIVAL

**Mr. John Wilkinson (Perth–Middlesex):** My question is for the Minister of Training, Colleges and Universities. Minister, this morning I had the pleasure of attending the announcement of the 2007 season at the Stratford Festival of Canada. This season will mark the end of the amazing 14-year tenure of artistic director Richard Monette, who has led the pre-eminent Shakespearean theatre in North America.

On September 22, I was delighted to host you when you announced \$106,000 in new funding for the Stratford Festival to help develop new training programs. This announcement is important to my constituents at the Stratford Festival as it not only attracts hundreds of thousands of theatregoers to my community each year, but it's a magnet for talent in the cultural sector. My question, sir: In today's knowledge-based economy, education and skills are the prerequisites for growth and prosperity. Can



you please explain to my constituents how this funding will further foster growth and prosperity at the Stratford Festival of Canada?

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** The member for Perth-Middlesex is an excellent advocate for the Stratford Festival and for the cultural industries. Because of his advocacy, this was the third year of a \$300,000 total investment to train the artisans that the Stratford Festival and the cultural industry in Ontario needs to prosper. I'm looking forward to telling him more in the supplementary about the great work that he and the Stratford Festival have been doing.

**Mr. Wilkinson:** Thank you, Minister. Constituents in my riding will be glad to know that the McGuinty government is doing all it can to support growth and prosperity in the theatre sector. Minister, as I noted, the \$106,000 in funding for the Stratford Festival is only the first step in a new province-wide apprenticeship training program for theatre workers. My understanding is that by helping the Stratford Festival create and test new curricula for key skills in the theatre industry, the behind-the-scenes, in-house expertise developed in Stratford may help boost the performing arts through all of Ontario. Minister, can you please explain to this House how developing training courses at the Stratford Festival will help boost the performing arts throughout all of Ontario?

**Hon. Mr. Bentley:** The member from Perth-Middlesex is right; there is a direct linkage between the work that's being done at the Stratford Festival, Mr. Cimolino, Mr. Monette and others, and the needs of the cultural sector throughout the province of Ontario. So whether you're at the Shaw Festival in Niagara, the theatre district in Toronto, the Huron County Playhouse, the Blythe Festival or whether you're dealing with the movie industry, the work that's been done at the Stratford Festival to develop the expertise for assistant directors, assistant artisans, the type of artisans who create the costumes and the sets—this will form the basis for a theatre, a cultural apprenticeship program. We're so grateful to the Stratford Festival for the leadership that they have been taking. They really are the graduate school of theatre expertise, not only in the province of Ontario, but in North America, and we're proud of the work that they've been doing.

## PETITIONS

### SCHOOL FACILITIES

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario:

"Whereas the parents of St. Paul's elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

"Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul's elementary school; and

"Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

"Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Education immediately deem St. Paul's elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul's can be educated in a facility that is secure and offers them the respect and dignity that they deserve."

### EMPLOYMENT SUPPORTS

**Mr. Jeff Leal (Peterborough):** I have a petition to the Legislative Assembly of Ontario.

"Whereas improving job retention rates has a positive effect on developing valuable work skills, confidence in one's abilities and creating a greater economic foundation for the province; and

"Whereas JobsNow allows workers access to valuable resources such as job-matching services, pre-employment supports and up to 18 months of job retention and follow-up services;

"We, the undersigned, respectfully petition the Parliament of Ontario as follows:

"That the JobsNow program continues to be supported by all members of the House, and that we work together to ensure that workers on social assistance find a meaningful and long-term solution to meeting their employment goals."

I agree with this and I will affix my signature to it.

### HEALTH CARD REGISTRATION OFFICE

**Mr. Tim Hudak (Erie-Lincoln):** I'm pleased to present a petition entitled "Reopen the Beamsville Health Card Registration Clinic." It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Beamsville health card registration office has helped over 4,000 local seniors, families and other local residents over the last five years renew their health cards close to home; and

"Whereas the Lincoln centre provided the room and services to the province free of charge; and

"Whereas Lincoln residents are now paying more in a new health tax but are receiving less in services;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The Dalton McGuinty Liberals should immediately reopen the Beamsville health card registration office, which they closed without any notice in the Lincoln community."

In support, my signature.

## CHILD CUSTODY

**Mr. Kim Craitor (Niagara Falls):** I have a petition on behalf of the residents of Niagara Falls and Niagara-on-the-Lake. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the people of the province of Ontario deserve and have the right to request an amendment to the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and their grandparents; and

"Whereas subsection 20(2.1) requires parents and others with custody of children to refrain from unreasonably placing obstacles to personal relations between the children and their grandparents; and

"Whereas subsection 24(2) contains a list of matters that a court must consider when determining the best interests of a child. The bill amends that subsection to include a specific reference to the importance of maintaining emotional ties between children and grandparents; and

"Whereas subsection 24(2.1) requires a court that is considering custody of or access to a child to give effect to the principle that a child should have as much contact with each parent and their grandparent as is consistent with the best interests of the child; and

"Subsection 24(2.2) requires a court that is considering custody of a child to take into consideration each applicant's willingness to facilitate as much contact between the child and each parent and grandparent as is consistent with the best interests of the child; and

"Whereas we support Bill 8, as introduced by the member from Niagara Falls;

"We, the undersigned, hereby petition the Legislative Assembly of Ontario to amend the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents."

I'm pleased to sign my signature in support of this petition.

## LONG-TERM CARE

**The Acting Speaker (Mr. Michael Prue):** Petitions? The member from Durham.

**Mr. John O'Toole (Durham):** Thank you, Mr. Speaker. I do respect that momentary recognition.

It's interesting that yesterday we talked about the long-term-care issue, and I have a number of petitions from my riding.

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, get

dressed, to the bathroom and then to the dining room for breakfast"—all rushed—"and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario and Minister of Health George Smitherman to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I'm pleased to support this on behalf of the residents of Community Nursing Home in Millbrook, where my mother-in-law is. Hello, Madge. I hope you're feeling well. I'm going to present this to Maddy.

1540

## FAIR ACCESS TO PROFESSIONS

**Mr. Tony Ruprecht (Davenport):** I have a petition in support of skilled immigrants and highly qualified newcomers. It reads as follows:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

Since I agree with this petition 100%, I'm delighted to sign it.

## WATER QUALITY

**Mrs. Julia Munro (York North):** "To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and



"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

As I am in agreement, I have affixed my signature.

#### LONG-TERM CARE

**Ms. Andrea Horwath (Hamilton East):** This petition is to the Legislative Assembly of Ontario. It reads:

"Whereas, in June 2003, Dalton McGuinty said, 'Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I present this petition and send it down to the table by way of Breanna, the page.

#### IMMIGRANTS' SKILLS

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly, and it reads as follows:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, managerial and professional talent from practising the professions,

trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions and for their families."

I wholeheartedly agree with this. I've affixed my signature to it, and I'll ask page Norah to carry it for me.

#### LONG-TERM CARE

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I have a petition to the Legislative Assembly of Ontario, which reads as follows:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I support the petition and sign it.

#### IMMIGRANTS' SKILLS

**Mr. Bas Balkissoon (Scarborough-Rouge River):** I'm pleased to present the following petition.

"To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions and for their families."

I truly believe in this petition, and I affix my signature.

#### NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand-Norfolk-Brant):** I have signatures here from a number of people from Caledonia. It's titled:

"We Demand Leadership in Land Dispute

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government was notified of this land issue over a year ago; and

"Whereas the standoff has been ongoing since February 28, 2006; and

"Whereas there has been no leadership from senior levels of government;

"We, the undersigned, demand the McGuinty Liberals start showing some real, consistent and timely leadership in dealing with the current standoff in Caledonia."

I fully agree and sign my name to it.

1550

#### OPPOSITION DAY

##### LIBERAL CAMPAIGN PROMISES

**Mr. John Tory (Leader of the Opposition):** I move that the Legislative Assembly of Ontario recognize that it has been three years since the Liberals took office;

That the Legislative Assembly of Ontario recognize that shortly after taking office the Liberals and their Premier began breaking their promises;

That the Legislative Assembly of Ontario recognize that ever since the Liberals broke their first promise, they have looked high and low for others to blame;

That the Legislative Assembly of Ontario recognize that the only people to blame for making these promises are the Liberals themselves;

That the Legislative Assembly of Ontario recognize that with one year to go before the next election, the Liberals must begin taking responsibility for the promises that they themselves made;

That the Legislative Assembly recognize that this list of broken promises includes, but is not limited to, the following 50 broken promises:

- (1) "I won't raise your taxes";
- (2) Roll back tolls on the 407;
- (3) Fund medically necessary health care services...;
- (4) Not add to the province's debt;
- (5) Stop 6,600 houses from being built on the Oak Ridges moraine;
- (6) Abide by the balanced budget law;
- (7) Cap hydro rates at 4.3 cents per kilowatt hour until 2006;
- (8) Respect MPPs and democracy;
- (9) Allow all non-cabinet MPPs to criticize and vote against government legislation;
- (10) Provide autism treatment beyond age six;
- (11) Reduce auto insurance rates by 10% within 90 days;
- (12) Reduce the use of private consultants;
- (13) Cancel P3 hospitals in Brampton and Ottawa;
- (14) Public inquiry into meat inspection;
- (15) Withdraw government appeal on the Richmond landfill;
- (16) Make Ontario's Chief Medical Officer of Health an independent officer of the Legislature;
- (17) Govern with honesty and integrity;
- (18) Provide better mental health care;
- (19) Value and support the public service;
- (20) Divert 60% of municipal garbage to recycling by 2005;
- (21) Close "private" MRI and CT clinics;
- (22) Stop school closings;
- (23) Introduce status-of-the-artist legislation;
- (24) Close coal-fired electricity plants by 2007;
- (25) Create tens of thousands of new child care spaces;
- (26) End federal child tax credit "clawback";
- (27) Build 20,000 new affordable housing units;
- (28) Spend "every penny" of the new health tax on health care;
- (29) Eliminate barriers to foreign-trained professionals within one year;
- (30) Require trades and professions to accept qualified immigrants within one year;
- (31) Repeal the Tenant Protection Act within one year;



- (32) Establish a standing committee on education to hold yearly hearings;
- (33) Hire 8,000 nurses;
- (34) Provide legal rights to victims of crime;
- (35) Make the Ministry of Agriculture a lead ministry;
- (36) Support the province's cities;
- (37) Ensure health dollars are spent wisely;
- (38) Stop the waste of taxpayers' dollars;
- (39) Guarantee stable, long-term funding for our rural and northern communities;
- (40) Operate an open and transparent government;
- (41) Provide a new funding formula for rural and northern schools;
- (42) Hard cap of 20 students for early grades;
- (43) Ensure 75% of students meet or exceed the provincial standard on province-wide tests within first mandate;
- (44) Tackle gridlock;
- (45) Give taxpayers better value for money while keeping taxes down;
- (46) Eliminate mercury emissions from its coal-fired electric power generation plants by 2010 as part of the Canada-wide standard (CWS) agreement;
- (47) Balance the budget every year of their mandate;
- (48) Put the public interest ahead of special interests;
- (49) Unclog emergency rooms; and
- (50) Give the Ministry of Natural Resources the resources to protect fish and wildlife.

That the Legislative Assembly of Ontario recognize this government's endless promise-breaking has left a trail of damage across this province;

That the Legislative Assembly of Ontario ask the Premier to apologize to the citizens of Ontario for his legacy of broken promises.

**The Acting Speaker (Mr. Michael Prue):** Mr. Tory has moved opposition day number one. The Leader of the Official Opposition.

**Mr. Tory:** I rise to speak to what I think is a very important motion. Some might think, when you look at the preamble—and it talks about the fact that these promises were made in 2003—that this is all about the past. But it's not all about the past. It's about the past in that there were broken promises, 50 of them at least. In fact, there's probably room now to almost devise another list of 50. It's about the cause of cynicism about politics and politicians and the people in this place and other places like it. But it's also about the future, because it poses the very real question of whether people will be able to believe anything that Premier McGuinty has to say in the lead-up to and during the course of the next election campaign.

I think it also leads to very valid questions on the part of the taxpayers as to how they will assess what he would do if, heaven forbid, he was actually put back into government, because our experience has shown, just with this list of 50—let alone the others we could list if time permitted—that he is prepared to say anything to get elected. Indeed, there is no reason to believe that anything he says, now or in the time leading up to the

election or during the election, will bear any resemblance to what is actually done in government.

In looking at the past, there are I think only two alternatives to explain the Premier's behaviour, which we're asking him to apologize for. I would argue that an apology is required and is warranted in both cases.

The first explanation is that he made promises without bothering to ask the questions or without bothering to do the homework to see if they could be kept or, for that matter, to see, in some cases, if they should be kept. That is an indictment of leadership if ever there was one. It is your responsibility when you're in a position of leadership—whether as Leader of the Opposition, as he was then, or as Premier of Ontario—to ask those questions. We've seen it hasn't improved. Even today, they can't answer the simplest questions on some of the costs and other aspects of their program. So that's alternative number one: There were promises made without bothering to ask the questions or do the homework.

Alternative number two, which I think may be even worse, is that the promises were made full well knowing that they wouldn't be kept and full well knowing that in some cases they couldn't be kept. Either way, I would argue that it illustrates two things about this government, about this Liberal Party and about this leader, this Premier, Dalton McGuinty.

The first is that he has a complete disregard for the people of Ontario and a conclusion that he's obviously drawn that the word of a political party leader means nothing, so there's no consequence to breaking it. The word obviously means nothing, and there's no consequence if it doesn't mean anything, to breaking your word.

The second conclusion I think you could reach is that Mr. McGuinty—and his advisers, but he is the person who, at the end of the day, has to mouth the words—is prepared to say absolutely anything in order to get himself elected. I see no reason to believe that he will not say anything or do anything that he feels he has to do in order to get himself re-elected in 2007.

I take a different view, and we all take a different view in the Progressive Conservative Party. I think that accountability is everything. The public doesn't expect perfection from their politicians, from their elected representatives, but they do expect a modicum of accountability. I think it's everything. People are prepared to forgive your mistakes, but what they're not prepared to forgive is a lack of accountability. I think that your word is everything. It's exactly the opposite to the view apparently held by the Premier. His view is that your word doesn't mean anything, so it's expendable and whatever you say can just be cast to one side any time it suits you. I believe that what you say to the people as the basis upon which they will place their trust and confidence in you to elect you to the highest offices that we have in this province means everything.

I think it goes beyond, though, the whole question of faith in politics or the credibility of the political process or of this Legislature or of the Premier of Ontario, an



office that is the highest office we have in this province. It goes, as well, to the fact that these broken promises hurt real people. It's not just about politics and it's not just about who won and who lost or who broke whose word. It's about the fact that when he broke his word 50 times—let alone all the other ones we could recite—he hurt real people.

I want to speak briefly about two of the promises. I wish I had the numbers handy, but one of them is the promise to make the Ministry of Agriculture a lead ministry. That was the promise: "We will make the Ministry of Agriculture a lead ministry." The facts say as follows. The budget of the Ministry of Agriculture has been cut again in 2006: \$244 million more has been cut this year, meaning more support will be taken away from or not available to farmers. The year before, the budget was cut by \$169 million. So really, what Mr. McGuinty is indicating is not only his low esteem for his own word but his low esteem for the farmers of the province of Ontario.

Don't take it from me. Of course people are going to say, "He's the Leader of the Opposition. What do you expect he would say?" But the facts are—those are the facts; those are just numbers. But take it from Len Troup, who is the chairman of the Ontario Fruit and Vegetable Growers' Association. He was quoted just a week or so ago, September 20, 2006, in the *Belleville Intelligencer*. He said, "There's no question agriculture is in trouble. There's no question the government has failed us. That's obvious."

Take it from no less an authority than Ron Bonnett, who has written about the fact that this government has not yet followed on the lead taken in every other province, I think, without exception, to allow some relief to our farmers with respect to overpayments on the CAIS program. He writes to the minister, saying that the farmers are experiencing cash difficulties that have not gone away and in many cases have worsened, and he pleads with the minister: "In the spirit of flexibility and reasonableness, OFA asks you to seek the approvals necessary to ensure Ontario farmers are treated equally to farmers in the rest of Canada who have had their CAIS overpayments deferred, interest-free, until January 1, 2007."

1600

Beyond the quotes you can pull from newspapers, all of us—and I have the privilege of representing a largely rural riding with hundreds of farmers. They just come and tell you, with this pleading look in their eye, that it's never been worse. They don't blame the government entirely for the fact that it's never been worse; they understand that there are international circumstances at play and so on. What they blame the McGuinty government for is that at precisely the time when it has never been worse, this government chooses to turn its back on the farmers, withdraw support in the form of budget cuts, not respond to simple requests like making the CAIS overpayments deferrable, and just abandon the farm community, the farm economy and the rural communities of this province.

Maybe you get a glimpse of why this is when you read the comments of Mr. Jim Wheeler, assistant deputy minister of agriculture, quoted earlier this year, first of all in the *Ontario Farmer* of March 28, 2006, when he said his solution to all this is, "If you can't compete with imported apples, should you be growing apples?" What kind of an attitude is that from a senior person in the agriculture ministry? Then the very same man, on April 4, 2006, didn't think that was enough and he said, "[CAIS] wasn't meant to keep everyone in business." I mean, this is the kind of insensitivity. So we go from making the Ministry of Agriculture a lead ministry to saying, "Let them eat cake." In fact, most of them can't afford cake, so they're not eating cake either.

Let me go to the other promise I will address briefly, and that is the promise to help the families of autistic children. We have here a letter from the Premier—he was then opposition leader—dated September 17, 2003, to Ms. Morrison, saying, "I also believe that the lack of government-funded IBI treatment for autistic children over six is unfair and discriminatory. The Ontario Liberals support extending autism treatment beyond the age of six." Then it went on to say, "In government, my team and I will work with clinical directors, parents, teachers and school boards to devise a feasible way in which autistic children in our province can get the support and treatment they need. That includes children over the age of six."

What was the first thing this McGuinty government and this Premier did in order to evidence how sincere that letter was? He decided to devote hundreds of thousands of dollars of taxpayers' money to hire up lawyers to go and fight in court the very people to whom he wrote that letter, and to make sure he didn't have to keep his promise. Have you ever heard anything so ridiculous in your life as someone who goes and hires up lawyers to fight somebody else in court—in this case the parents of autistic children—so he didn't have to keep his promise?

But then they say, "Oh, no, we're really acting. It's really true. We're doing a lot." And they put out a release on March 26, 2004. Just recognize the similarity of wording between the promise made in the letter in 2003 and this release: "Minister Bountrogianni is establishing a working group to guide implementation of the supports to teachers, educational assistants, parents and children with autism."

When you're not really wanting to keep your promise, when in fact you're fighting the people in court, if in doubt, establish a working group, because it will be a good camouflage for doing nothing, or very little.

As if that isn't bad enough, we then come to September 21, 2006, just a week ago. I'm not even sure what happened to the first working group, but now we have another one. This is a quote from a news release from the new minister, who says, "The McGuinty government has created a reference group to advise on the most effective ways to meet the needs of students with autism spectrum disorders."

Two and a half years later, hundreds of thousands of dollars spent in court, and we're still waiting. But it's not



us who are waiting, and I'm going to conclude just by citing two or three of these people—real people, real families with real kids. I've been to the homes of some of these people—not these particular people—and I'm sure other members have too, to see the struggle and the challenge that they face.

"My name is Cheryl Barton and my family lives in Ajax in Durham region. My husband and I have two sons, aged five and three. Our youngest son is three years, eight months old and he has autism. His name is Trevor. He was diagnosed at 22 months.... He has been on the wait-list since November 2004, almost two years. At last check a month ago, he was still number 25 on the wait-list. We have been paying \$30,000 in after-tax dollars for 15 hours per week of private ABA therapy for him the past year." That's the Barton family in Ajax.

Here's another one, from Laurie Carruthers in Toronto:

"My son Michael is almost five years old.... Michael languished on a wait list for three years before being picked up for services. I spent a year on a writing campaign.... We now have a debt of approximately \$60,000."

The Bunda family: "My son, Sebastian Bunda, born April 5, 2003, was first diagnosed with autism on March 3, 2005 by a paediatrician. He is on the waiting list since the diagnosis at the Chedoke Hospital since May 31, 2005."

Finally, Dr. Fiona Currie, mother of Jacob Labovitz, Thornhill: "I am the mother of a wonderful autistic son named Jacob Labovitz, who recently turned three years old. Jacob was diagnosed with autism at the age of 25 months, which is extremely early, due in part to my husband's background in clinical psychology. The reason I am mentioning this is that most children are diagnosed much later than my son. However, despite early detection of Jacob's problems, he remains 88th on the waiting list for government-run IBI treatment in our region. He has been on the wait list for one and a half years now and has only moved up a few spots on the wait-list."

That's what the broken promises are about: Farmers who say they can't take it any more, the families of autistic children who can't cope, who are losing their homes, who are moving to Alberta. What a disgrace it is that people leave this province or lose their homes because the government of Ontario—the McGuinty government—will not keep its promises. That's why this issue is important, that's why this debate is important, and that is why we are committed, on this side of the House, to raising that standard, to making sure that this kind of disgraceful misconduct in the political process is not repeated and that we do everything we can to make sure that we raise the standard, but more importantly, that we help these hurting people who have been hurt by McGuinty broken promises.

**Mr. David Oraziotti (Sault Ste. Marie):** It's a pleasure to rise today to speak to the opposition motion. On behalf of our government, I want to say that I find it unbelievable that the opposition party has decided to

spend their time throwing these accusations out at our government when they broke their own Taxpayer Protection Act. In 2002, they added \$21 billion to the debt, costing us and all Ontarians \$1.6 billion in interest every year, and most flagrantly, I think, left us with a \$5.6-billion deficit while they repeatedly cited different numbers during the 2003 election campaign. Before the Leader of the Opposition casts stones at our government, I think he needs to take a look in the mirror and see what took place during the Harris-Eves years when it comes to fiscal responsibility, when it comes to accountability and in terms of breaking their own legislation that they passed.

This unexpected and hidden Tory deficit left our government with some tough choices, obviously tough choices that they were not prepared to make. While we inherited a fiscal deficit that we have made strides in addressing, we have also inherited a deficit in other sectors, like health care, education and infrastructure, to name just a few. We decided, on behalf of Ontarians, to take a prudent, balanced approach toward many of these issues.

I'd like to take this opportunity to quote from today's editorial in the Toronto Star. Here is it, for the Leader of the Opposition: "Overall, McGuinty and the Liberals have delivered good, competent government in the last three years and set the province back on course after eight years of cuts and conflict under the Conservatives. Indeed, in health care and education, the most crucial areas of government responsibility, the province has made remarkable progress." That's what they're saying today, three years in. I think it's important to clarify for all Ontarians the difference between our government's record and the Conservatives' record after eight years of this kind of turmoil and chaos, as well as the \$5.6-billion deficit that we were forced to deal with and to deal with on behalf of Ontarians.

I also want to point out that I see a pattern here. When the Liberal government—our government—took office in 2003, we were left a \$5.6-billion debt from the past Conservative government. If you look at what's going on in Ottawa these days, you see a Liberal government that left a Conservative government a \$3.2-billion surplus, money that is desperately needed in Ontario for Ontario families, for education, health care investments and infrastructure. That's the difference between Liberal fiscal responsibility and Conservative overspending and budgets that go well beyond our ability to bear the costs.

**1610**

I want to know when we are going to get the support of the Leader of the Opposition to stand up for Ontario. Our Premier is called Mr. Ontario because we know where he stands: firmly on the side of hard-working families in this province.

I want to also point out that it gives us an opportunity to continue to compare and contrast what took place during the eight years of Conservative government and our three short years in office.

When it comes to the education sector, I think the results are clear. The Conservative government took



\$200 million out of public education over the eight years; the record shows that we've added \$2.7 billion in new investment since taking office. We've hired almost 7,000 new teachers, 3,600 to reduce class sizes for nearly 70% of students. This includes 1,600 elementary specialist teachers in literacy, numeracy, physical education, art and music. We've restored peace and stability with historic four-year contracts so that educators can do the jobs they need to do and students can be in the classroom as opposed to out on the streets, as was the case under the past government. We've also increased support for kids with special needs. Test scores are up right across the province, in all grades and in all subject areas. We've got 6,000 more kids graduating this year than in 2003. We also have 16,000 new teachers trained in literacy and numeracy education. We've added \$20 million toward community use of schools, which we know is of tremendous benefit; I know it was of tremendous benefit in my community of Sault Ste. Marie. We have also made a major investment in infrastructure, with a \$280-million fund to leverage \$4 billion worth of much-needed school repairs. We've banned junk food in vending machines and issued nutritional guidelines for schools to help support the health of the youngsters in our schools. We've also implemented 20 minutes of daily physical activity, which is now mandatory in our elementary schools.

I can tell you that locally, in my community of Sault Ste. Marie, between 2003 and today the Algoma District School Board has seen an increase of \$9 million to their education funding. They've got \$2,296 more per student than in 2003, another important improvement for our education system. When it comes to the Huron-Superior Catholic board in Sault Ste. Marie, they've seen \$2,033 more per student, as well as \$4.1 million more to their budget in comparison to 2003—a testament that our investments in education are working.

When it comes to health care, we're up 19% in funding over the last two years. We've got 4,300 new nursing positions in the province of Ontario—and that can be compared and contrasted to about 8,000 fewer nurses under the Conservative era—and 150 new health teams. I'm proud to say that the Group Health Centre in Sault Ste. Marie was a model for our health care delivery program, a \$600-million investment to create 150 of these new family health teams to reduce the number of orphaned patients in the province of Ontario.

When it comes to physician supply, something that the NDP—well, they were a disaster on cutting the seats in medical schools; I believe they were the only government in the history of this province to ever take that action. The Conservatives really failed to ramp up the number of seats in medical schools in this province; we went from 60-some communities that were considered underserved in terms of physician supply to 143 underserved communities in the province during their eight years. To try to address that, we created the new Northern Ontario School of Medicine, a \$95-million investment. It's right in our budget. Take a look, Mr.

Tory. There's been a 23% increase in physician supply—that's our record—and a 15% increase at our five existing medical schools. We've taken foreign-trained medical graduates—IMGs—from 90 spaces to 200 spaces. The 15%, plus the medical school, means a 23% increase in physician supply from the time that we took office. When we took office, a million Ontarians didn't have somebody they could call their family doctor, and we know we're moving to provide those people with a family doctor today. It's action, not words, as the past government spoke about.

Fully 71,000 more people are receiving home care this year in Ontario. There were about 20 staff hired in Sault Ste. Marie. I know in 2003, the waiting lists were backed up. My phone was ringing at the constituency office with regard to home care, people saying they couldn't get their 80-year-old mother or father the support they needed. I know that today that's not the case.

There are 2,000 more front-line staff in long-term-care homes restoring the standards, standards that were eliminated by the past government. They eliminated the minimum two baths per week and eliminated the nurses on call 24 hours, standards that have been replaced under our government to ensure that the elderly in our province have the dignity and respect they deserve.

There are 79,000 more receiving community-based mental health programs. It's a 21% increase in funding when it comes to mental health. I know that in Sault Ste. Marie many of those organizations saw no base funding increase for about 12 years, so that's a remarkable change.

For the first time ever, there's real multi-year funding for our hospitals. I think for the Soo-area hospitals it's around \$311 million over three years, something for which the sector has been clamouring for years, something the past government didn't give them that we did. It's important to continue to compare and contrast.

As well, there are three new vaccines for kids, something those in the public health sector have also been advocating for, and over one million free vaccines have been given, saving families an average of \$600 per child.

When it comes to post-secondary education, we made some massive investments in post-secondary education: \$6.2 billion for our Reaching Higher program. We froze tuition for two years in the province of Ontario, which has never been done. We've got past governments here that said students would have free tuition, and we know that was never the case. Tuition increased 40% and the like, and that's certainly not the case under our government. We've restored grants for 60,000 students, originally cut by the NDP. We've added 7,000 new apprenticeship programs, and we have 86,000 more students in our schools today in comparison to 2003.

In my community of Sault Ste. Marie, we have seen major improvements when it comes to health care. We have a commitment for our new hospital, our new CT scanner, new long-term-care beds.

We have many other improvements in our local economy. I could go on and on when it comes to the benefits



and the improvements in our community. Our government has really been a breath of fresh air to my community of Sault Ste. Marie. My community knows that. When I hear Mr. Tory making these kinds of comments about our government's commitment, I think Mr. Tory needs to take a look in the mirror, at the record the Conservative government left Ontario. They left Ontario in a financial mess. We've cleaned it up and we've made massive reinvestments in the key areas of health care, education and infrastructure, and we're going to keep improving our public services.

**Mr. Norm Miller (Parry Sound-Muskoka):** It's my pleasure to join in the opposition day debate this afternoon. I have to remark on one comment the member from Sault Ste. Marie made. I can't believe he's taking credit for the Northern Ontario Medical School when he so clearly realizes that it was an idea that came from the past government.

I don't have time to deal with all the 50 broken promises that have been outlined in this motion today, unfortunately, but as the MNR critic, I would like to speak briefly about broken promise 50, and that is a written commitment that Premier McGuinty made to the Ontario Federation of Anglers and Hunters: "In government, we will give MNR the resources it needs to once again properly manage Ontario's fish and wildlife." That was the written promise made by the Premier, but as we know, he will say anything and do anything to get elected. He's proven that time and time again.

This promise has very, very clearly been broken, but don't take my word for it. Take it from the many groups that are seeing the effects of this broken promise. For example, the Credit River Anglers Association, in writing to Mr. Tory, say, "Recent cutbacks by the Liberal government have left the Ministry of Natural Resources in a very sad state of affairs."

1620

Writing to the Premier and to the Minister of Natural Resources, David Ramsay, they say, "Over the recent years we have seen a shrinking budget within the OMNR as related to fish and wildlife management, something not in line with being supportive of Ontario's biodiversity strategy. We have seen cutbacks in genetics, conservation officers, staffing, research, enforcement, biologists and supplies, all items required for the short- and long-term management of this resource."

In Ontario Out of Doors magazine we see: "As this dedicated conservation officer aptly points out, staff cuts, changes to fisheries management zones, the elimination of the Frost Centre training facility and countless other damaging government decisions have left Ontario's resources bordering on a state of crisis."

On September 29 in the North Bay Nugget we see:

"MNR Funds must be Restored Now...."

"In 1990, there were 3½ conservation officers working out of the Temagami area office covering an area from Marten River north.

"Now there are two people...."

"In North Bay in 1990, there were six conservation officers and now there are only four. ...

"There have been 13 jobs in the North Bay MNR office eliminated in the past two years—one of which was a conservation officer whose position was eliminated following his retirement...."

"The Temagami Stewardship Council was informed of another cutback—the biologist who represented the MNR and provided valuable input and guidance at their monthly meetings will no longer be available to them in that capacity."

We see headlines from OPSEU in the newspaper: "MNR Cuts Service—Union; Routine Patrols Eliminated in District, Officers Responding Only to Public Complaints."

Across many different groups we see evidence of this broken promise that is hurting the ability of the government to manage the fish and wildlife in this province, and it's hurting real people in this province. With 50 promises and other members who want to speak, that's all the time I have to today.

**Ms. Andrea Horwath (Hamilton East):** I too have some severe disappointments with the performance of this government, not around the things I had built up in my mind in terms of expectations, but particularly in terms of real commitments and promises this government made when they were running for office, when they were asking for the trust of the people of Ontario, when they were asking for the mandate to do things that the people of Ontario believed at the time and sent them off on the job to do.

Of course, here we are today debating an opposition motion that has, I think, 50 specific broken promises in it. At last count, we thought there were 231, although I'm not sure if that includes the two that just came within the last day or so, one, of course, being the promise to include water-taking fees as part of the government's latest machinations on Bill 43, which we debated last night in this House. I think it's Bill 43—I'm not good with remembering each piece of legislation in terms of the number—but it certainly was the one where they were purporting to deal with creating the appropriate standards around clean water in Ontario.

During that debate, lo and behold, we found out that the government has gone back on yet another promise they made to the people of Ontario, and that was specifically around the implementation of water-taking fees. People will recall that water-taking fees are something the government said they could implement as part of a clean water package, because then those fees could be used to offset the cost of creating the systems that were necessary at the local level to create the plans, first of all, and to monitor their implementation and deal with all the required pieces around making sure our source water was protected in Ontario. Unfortunately, as we learned last night and the day before in debate of that bill, there is another letdown of the people of Ontario because, although the legislation came forward and is now in third reading debate, it doesn't include that key piece.



What does that mean? It means that this then ripples on to another broken promise of the McGuinty Liberal government, and that broken promise is around dealing with property tax problems in Ontario. The reason I say that, and the reason these things are connected, is because the financial burden of implementation of source water protection plans in the province will go to the local level of government, to conservation authorities, and of course the funding for those is largely through the municipalities. So we know that not only has the government fumbled the ball in terms of acknowledging the extreme burden that exists on municipal taxpayers, but now has also added to that burden by not acknowledging its promise around water-taking fees, thereby foisting the cost of source water protection plans onto the municipal level of government, which we know is not something municipalities can afford. In fact, when we were debating this bill yesterday it was really clear that municipals are currently being crushed under the burden of downloaded services and there needs to be real action there, not the opposite action, which unfortunately is what this government has done in terms of source water protection implementation.

That one was most recent. The other recent one we will know—it's rippling through community after community, and I've heard some comments on it very recently—is the abandonment of a number of planks on long-term-care reform that we had hoped for and that the McGuinty Liberals had promised was going to come in Ontario.

We've been through three years of broken promises. We knew this opposition motion was coming today—everybody knew that's what we were debating today—and yet this government so arrogantly just continues to break more promises every day. It's kind of pathetic when you think about it. You'd think they would learn the lesson that Ontarians actually have expectations, not that came out of nowhere but that were built by the McGuinty Liberals when they were running for office; expectations they created themselves; expectations that were good enough to get them a vote but not good enough to get them to keep their word. That's the crux of this motion we're dealing with today.

But on the long-term-care issue particularly, there were some real commitments around minimum hands-on hours of care guaranteed in the legislation. It's not there. There were expectations built and promises made around three baths a week. Not there. In fact they reduced that to two. There were expectations built and hopes created in communities—we're talking about our most vulnerable senior citizens, people who are in long-term-care facilities. I myself have a grandmother. I just saw her the other day, and I can tell you that the government can talk a good talk and can trot out the press conferences, the awards, the congratulations and all the nice bells and whistles, but when push comes to shove, those senior citizens, those residents of long-term-care facilities and their families know darned well that the system has not been fixed and is not going to be fixed unless the gov-

ernment is prepared to live up to its obligations in regard to minimum hands-on standards, to minimum baths and to basically making the investments they committed to quite some time ago.

*Interjection.*

**Ms. Horwath:** The member across the way has quite a thing to say about it. I did in fact read the report that member put forward. She should be ashamed herself, because a number of things that are recommended in that report didn't make it into the bill. So I look forward to that bill travelling across the province, to talking to the people who really, really care about the seniors in long-term-care facilities, because it's those people in community after community—residents, family members, workers—who perhaps need to remind the government of its commitment, to remind the McGuinty Liberals of the need for real reform in that system. I can tell you that people were disappointed in droves—let's put it that way—when they saw the lack of commitment that turned out to be on paper as opposed to what was in the platform several years ago.

Notwithstanding that, the number of promises the Leader of the Opposition has decided to put forward—some of them are quite obvious, and I don't know if they've taken the time to go through every single one. I can tell you a couple that I am really shocked and appalled that the government has abandoned and did quickly abandon. One of them is the \$300-million investment for child care. The minute the federal government changed its tune, all of a sudden the McGuinty Liberal provincial government did the same. In fact they've cut the budget for child care in the province of Ontario. So much for that big platform piece, that big plank about Best Start and investing in child care in the province of Ontario.

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They could have done the right thing. They could have made sure that Ontario was a leader in terms of provision of child care in the province of Ontario, but they decided not to. They decided it was easier to take cover and point fingers and blame the federal government, which, as you know, is a theme that this McGuinty Liberal government tends to utilize in ways of trying to deflect from its own responsibility: by pointing the finger and blaming a previous administration at this level but most often the federal level.

There's no doubt that myself and other advocates for child care across the province were outraged when the federal government decided to turn its back on a national program, on a universal, accessible program that had components of real developmental benchmarks for children, a seamless program. There's no doubt we wanted to see that and that we were appalled when the federal government decided they were not going to live up to that commitment. However, to watch the McGuinty Liberals so quickly turn their backs, so quickly abandon the idea of creating a system of committing, of hunkering down and committing to putting something in place in the province of Ontario, was shameful. It was embarrassing.



I have to say that if there is one promise that I was absolutely shocked that they decided to go back on, that was the one, because it was such a big, big piece of their initial platform. It really speaks to the lack of commitment to the children in Ontario, the lack of commitment to today's families in Ontario, to working families in Ontario. It is completely, completely wrong. This province should be a leader when it comes to that kind of funding.

But you know what? Look at the other big problem that they had. It was a simple one to fix. It was something where they made real commitments, but it turned out that they would rather callously turn their backs on children with autism, callously turn their backs on commitments they made to these families about making sure that children were able to access IBI treatment. To this day, we know that the Liberal government, instead of living up to that commitment and fulfilling that campaign promise, has decided to drag those families through all kinds of layers of court battles instead of just doing the right thing and actually creating a system where those children, those very special children, are able to obtain the kind of supports they need, the kind of environment they need to be able to progress and learn and become more socially active in their communities, in their families and in their schools. Unfortunately, again, the government turned its back on children.

Since I'm on the theme of children, the other huge shame of this government, the shame of this government that every single day—I actually had an opportunity to mention it today in response to the statement from the Minister of Children and Youth Services. I am ashamed of a government—I am ashamed of the McGuinty Liberals. I don't know how they can stand to look themselves in the face, as they have still not ended the clawback. They have still not ended the national child benefit clawback that has been existing in the province of Ontario for so long now. This is the one single thing that the Liberal government could have done, fulfilling an election campaign promise—once again, the theme of tonight's opposition motion debate—to make sure that the children in this province whose families rely on social assistance have even just a little bit more in their pocket to be able to provide for the basic needs of their children.

Instead, the McGuinty Liberals are content to watch those children go to bed hungry, content to watch those families struggle to make ends meet, content to know that those children will never be able to do the things that other children are able to do, whether that means participating in sports or school programs in their educational settings, whether that's just a matter of those children being able to go to school, able to learn because they have a full belly, and they're ready to engage in their schooling every single day. We know that that doesn't happen. We know that kids are going to school hungry because this government has refused to deal with that promise they made. They refused to get rid of the clawback and stop clawing those monies back.

It's a shameful thing, because I started out talking about one of the other broken promises and how it's

going to affect the municipal level. My municipality, the city of Hamilton, comes to this Legislature every single year, begging the government to fix the fiscal problems that exist because of downloading; every year they come. And you know what my city did the other day? My city actually decided, in partnership with an NGO, a not-for-profit organization, to try to do what they could to at least end a portion of the clawback at the municipal level.

Here's a municipality that can't afford it, but you know what they've decided, what they've finally decided after coming here and knowing that the pleas of the social services community, the pleas of the social workers, the pleas of the people living in poverty are falling on deaf ears in this government? They decided that the city of Hamilton can't afford poverty. The government, the McGuinty Liberals, haven't figured that out yet, but the municipality figured out that they cannot afford to continue to lose generations of children to poverty, that they cannot afford to have a community without hope, that they can no longer afford to watch the potential of these children and these young families get lost to the fact that very basic needs are not being met. I was proud, as a Hamiltonian on Hamilton Day, to know that the other day my city did the right thing, and now it's up to this government to do the right thing.

It has been up to this government to do the right thing for a very long time, but unfortunately, they haven't. They've decided that the clawback is something that they talked about, and they talked a good talk, but they've decided it's not that important. I guess poor people just don't have a loud enough voice for this government to bother to hear them. It's really unfortunate, because they sure as hell wanted those votes of poor people when they were running in the last election. It looks like it got them nowhere at all in terms of the clawback, particularly in terms of, as you would well know, Mr. Speaker, issues like addressing the real problems of inappropriate and inadequate rates of ODSP and Ontario Works. The bottom line is that there is not enough of an income there for people to be able to sustain a decent quality of life, and that is eroding not only the city of Hamilton and the city of Toronto but most cities now, the fact that the poverty is getting to such a dire level in these municipalities.

We also know that the government—ironically, it's in the front pages of the paper this week again—did not address the broken funding formula that exists with school boards across the province. Here is one of the fundamental changes that was easy for them to talk about during the campaign, easy for them to promise that they were going to deal with, and here we are, three years into the mandate of this government, and the funding formula is still broken and school boards are still broke and children are still being robbed of a decent education in the province of Ontario. It's sad, because I firmly believe that every single one of these members sitting in this Legislature this afternoon would agree that the investment in our young people, in our education system, in our children to be able to thrive, is the only thing that's going to make us competitive as a province on the world



stage. We all know that. We all talk that talk. We all believe in that perspective, and yet we're not making the very fundamental investments that need to be made to ensure that we can tap that resource, that we can realize that opportunity that we have with young people, because we refuse to invest in the education system in a way that ensures that the children have every opportunity to strive and thrive in the province of Ontario.

There are many, many other issues that I wanted to touch on. I can see I'm running out of time because I promised my friend Gilles Bisson that I would split evenly with him. I don't think he knows how much time was on the clock, though, so I might be able to just get a couple of more minutes in.

One of the other big issues that I think is a shame around the government's lack of movement or lack of commitment on one of their promises is the issue of taxation. Again, I know that they promised no tax increases, and then they're saying their health tax is not really a tax; it's actually a premium. We went through that whole silly debate, quite frankly. But at the same time that they broke that promise, they also started delisting services. I can tell you that that has had a major effect on a lot of people, particularly in my community. When you think of a community that has a number of workers, for example, who work in heavy industry and who get injuries on the job, not all of whom have health care plans—certainly the bigger companies do, places like Stelco, where their unions have negotiated excellent benefit plans, but many don't. So what happens is that the people who don't have those benefit plans have to pay out of pocket for chiropractic, for example, or for physiotherapy. People are now seeing their quality of life being reduced because either they can't afford to get those services or, if they do actually pay for those services, they're not able to maintain payments for other quality-of-life opportunities that they would normally be able to afford, because instead they're spending the money on these other services. So it's another broken promise of this government; it's another going back on a commitment around the taxes. But the other piece of that, of course, is the delisting of these services.

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There are a number of other pieces. I mean, there are 231. I certainly could spend every minute talking about every single one, but I do not have that much time.

You'll know, Mr. Speaker, that one of the things that I used to advocate for in my previous life was more affordable housing, another broken promise by this government in terms of increasing by 20,000 new affordable housing units in the province of Ontario.

We know that they had made promises galore around—for example, another one is waste diversion. Again, that's come up recently because of the Environmental Commissioner's report that came out yesterday, commitments around waste diversion and supporting municipalities in waste diversion, and we know that that's not happening.

It's a sad day, once again, to have to be here and not only deal with the fact that we have been debating this or

that this issue has been debated several times and comes up almost on a regular basis here in the Legislature. But to come here again today in the midst of, in the shadow of, more fresh broken promises that have just happened over the last two days is really sad. What it's saying is that the arrogance of the government is such that they figure they don't have to keep any of their promises and they can continue in this same kind of way that they have been for the last three years: willy-nilly breaking promises, not living up to commitments, and continuing to erode the trust of the province of Ontario's people, because that's the problem: This government has lost all trust with the people of Ontario.

When I go back to my community, people just shake their heads and they are shocked at the lack of commitment that this government had in meeting the promises that they got elected on. People feel cheated by this government; they feel very angry that this government has not fulfilled the many, many, many promises that they made. It is a sad day in the province of Ontario, as I said.

I will now have to sit, because my friend Gilles Bisson will be making comments very shortly.

**The Acting Speaker:** Further debate?

**Mr. Jeff Leal (Peterborough):** At the onset, I want to let you know that I will be sharing my time with the member from Ancaster—Dundas—Flamborough—Aldershot. It is a good opportunity to—

**The Acting Speaker:** If I could, the time is apportioned. Therefore, when you finish speaking I must go in rotation to the next party.

**Mr. Leal:** Thanks, Mr. Speaker.

It gives me an opportunity to get a few words on the record today with regard to the progress that has been made over the last three years in the province of Ontario.

One of the things that our government did upon assuming office in 2003—you hear a lot of talk about children. For eight years during the Harris-Eves government, gyms were not open in the province of Ontario; they put onerous fees on organizations in Ontario that couldn't afford to open gyms. One of the great things that kids like to do is to go to gyms on Fridays, Saturdays and Sundays to play basketball and be in other organized sports, but for eight long years, that opportunity was closed to them. One of the first things that we did was to make sure to get rid of those fees, to allow kids again to play sports in public facilities right across the province of Ontario.

Another area that we made tremendous investments in in order to help our children to achieve their potential—and I want to get on the record a letter that I received from Bonnie Patterson, who is the president and vice-chancellor of Trent University. Her second paragraph starts, "The agreement represents another milestone in your government's pledge to act on the recommendations contained in the Rae review and the May 2005 budget announcement, which resulted in an investment of \$6.2 billion in the post-secondary education sector over" the next "five years.



"The advance knowledge of our funding envelope will aid institutions, such as Trent, to complete its business planning with some greater certainty. This policy decision is an important first step forward in correcting shortfalls in funding that institutions" grappled with for many years. "The investments will benefit Trent" and other universities across the province of Ontario.

That's something we committed to. We initiated the Rae review,<sup>6</sup> which talked about our Reaching Higher program, \$6.2 billion over five years. Indeed, we have somebody as distinguished as Bonnie Patterson, the president and vice-chancellor of Trent University, talking about how these investments will help our young people reach their potential.

I also want to get on the record—my staff did a little research the other day, and I picked up this article, which is very interesting, from the Globe and Mail business section dated Tuesday, June 13, 2006. In this article, there's a great quote from Jim Flaherty, a former member of this place, now the federal finance minister. He was talking about the loss of manufacturing jobs because of the appreciation of the Canadian dollar. "'Canadians are able to find other comparable, well-paying employment if they lose their job in the manufacturing sector,'" said Minister of Finance Jim Flaherty on June 13, 2006. He indicated that the economy is strong in Ontario, that there has been some relocation, but there are other good opportunities to find jobs in the province of Ontario.

One of the things we've been able to do over the last three years is to repair the relationship we have with our municipalities. In 1998, Mr. Speaker—and maybe you were present at that famous AMO meeting when the Premier of the day, Mr. Harris, talked about the down-loading exercise. He received not one, but two standing ovations on that occasion. In fact, standing at the back of the room that day, I understood that this was going to create tremendous hardship for municipalities across the province of Ontario.

Here's how we've tried to correct that situation: We now provide two cents of gas tax for public transit, which will amount to \$1.5 billion for municipalities over five years. We uploaded the cost of public health from 50% to 75% funding by the year 2007. We've uploaded the cost of 25,000 new day care facilities for municipalities. We've uploaded land ambulance; we're going to make the land ambulance a full 50-50 split in three years, to \$300 million. We've put new money into transit, for example, a GO transit expansion for the GTA area. We've renewed the Association of Municipalities of Ontario's MOU protocol that involves allowing our constant discussions with municipalities right across the province of Ontario.

Those are fundamental steps to repair what was a ruptured relationship with municipalities across the province of Ontario. Indeed, over the next 18 months we'll be part of the review of the Who Does What to look at the range of services as we look at repairing the fiscal deficit, not only with the federal government. An outcome of that will allow us to fix the fiscal deficit with our municipalities.

In the area of justice, in my hometown of Peterborough we've added several new police officers to our force. We've invested in the DNA Cluster at Trent University, which is an important area for innovation in the future. In fact, a company located with the DNA Cluster, Genopod, is on the verge of announcing the commercialization of an apparatus to actually provide additional traceability for cattle throughout Canada with regards to the BSE issue to ensure that the cattle have no BSE and assure potential markets that these cattle being sold around the world are safe.

Those are a few of the accomplishments we've had over the last three years, reflected today in a very positive editorial in the Toronto Star.

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**Ms. Lisa MacLeod (Nepean–Carleton):** It's a pleasure to be speaking to Mr. Tory's motion today on the countless broken promises of this McGuinty government.

I was elected to this chamber six months ago in a by-election where many of these broken promises were discussed door-to-door, at coffee parties and at countless community events. Eight in particular came up countless times in Nepean–Carleton.

"I won't raise your taxes": Young families like mine in Nepean–Carleton are paying almost \$2,000 more per year in new taxes, new fees and—

*Interjections.*

**The Acting Speaker:** I'm having difficulty seeing and hearing the member while she speaks. There is a conversation going on in front of her. Thank you.

**Ms. MacLeod:** "I won't raise your taxes" was a big slap in the face to the residents and taxpayers in Nepean–Carleton. Since I've been elected, they have signed petitions and have had me introduce petitions to cut that McGuinty health tax, which was the single largest tax increase in Ontario's history—one, I might add, that this McGuinty government promised they would not put into effect.

Abide by the balanced budget law: During the by-election we had the "buy election" budget, where the McGuinty government taxed and spent themselves right into deficit financing.

Provide autism treatment beyond age six: My NDP colleague, who I ran against in Nepean–Carleton, ran as a result of the broken promise to the autistic parents in Nepean–Carleton. Let me assure you, I will be speaking on behalf of Laurel Gibbons today and every day thereafter because of the broken promise by this McGuinty government.

This is one of my favourite ones. In the 2003 election, the people of Ottawa said they wanted to see the Royal Ottawa Hospital expanded and wanted to see a new hospital built with a P3. The McGuinty government had the audacity to look at Ottawa taxpayers, Ottawa voters, and say, "We will not build that hospital." Yet, three years later, this Liberal government has engaged in exactly what the former Conservative administration was going to do, and that was to build that P3.



This is something that comes up almost every day in the city of Ottawa: Divert 60% of municipal garbage to recycling by 2005. We're over a year past the target by the McGuinty government. Right now in the city of Ottawa we are only diverting 33% of our waste into recycling and composting. This is a very big issue. The city of Ottawa has asked this McGuinty government countless times to respond, to meet these targets, and they haven't. They have continually not done a thing about it.

Make the Ministry of Agriculture a lead ministry: This was a very big issue in Nepean–Carleton during the by-election because farmers in my riding and farmers throughout rural Ottawa have consistently felt undervalued by this McGuinty government. They have consistently been out protesting and bringing issues, very important matters to their family farms, to this Legislature. I think it's a slap in the face that the budget continues to be cut.

Stop the waste of taxpayers' dollars: I could think of nothing more insulting in the last six months than the redesign of the trillium logo. It has endured through 42 years, seven governments and three major political parties. Yet this Premier and this government have had the audacity to waste taxpayer dollars on rebranding the logo of an institution that will be here long after we are gone.

Finally, give taxpayers better value for money while keeping taxes down: We all know that is the biggest broken promise of all, because not only are they taxing and spending out of control, but they've failed to keep this commitment to the taxpayers of Ontario.

That concludes the allotted time I have for today's debate, but I am looking forward to listening to the rest of my colleagues, who are going to expound upon the numerous broken promises, more than are actually in this document today.

Mr. Speaker, I appreciate the opportunity. Thank you.

**Mr. Gilles Bisson (Timmins–James Bay):** I've been looking forward to this moment for quite a long time, because we've known for about a week now that this particular motion was going to be coming up and it gives us an opportunity to talk a little bit about where we find ourselves in the politics of Ontario.

Here we are, it's E minus 365. We all know as politicians what that means: It's 365 days to election day. The government is trying to figure out what it's going to do for the next election to get themselves elected—that's fine; we understand that—and we in opposition are doing what we have to do to get ourselves elected and to build up our ranks so we can become the government. In saying that, we understand that this place at times can be partisan. The motion such as we have now is a partisan motion. I'm the first to admit that. I'm not going to argue otherwise. But it really does give us a chance to talk a little about where this government is at.

I've got to say, I sit in this House, I watch question period intently, I listen to the debates, and it is really interesting to watch the positioning that is going on these

days. So here we are. You've got poor old Dalton on the other side, and Dalton is saying to himself, "All right, gang, we've got to run in 365 days. So we're going to have to run and we're going to have to tell people in the next election what our plan is for the second term." Well, there's only one problem: Nobody is going to believe any promises made by this government, because they were pretty astounding in breaking most of their promises in the early days of the government. Even today we find ourselves with promises made prior to the last election saying, "I, Dalton McGuinty, if elected as Premier, promise to make sure that autistic kids get services past age six." Here we are, three years into the mandate—not done. And we see the list goes on and on and on. Mr. Tory read it.

Here's the basic problem: Poor Mr. McGuinty is going to get up in this next election and he's going to say, "Vote for me because I've got a really good agenda for the second term." The reality is that there's not a heck of a lot he can say to Ontarians with any kind of credibility when it comes to convincing people that he will hold those promises in the next election.

So then he says, "Okay, we'll run on our record." Ho, ho, ho. That is just the funniest thing. Every time I see governments trying to do that, I know they're in deep trouble. I've seen it, because I've been on both sides of the aisle. I recognize it from inside government and outside government. When the government's in trouble, you know it, because they say, "We're going to run on our record."

Well, what is that record? The government had said, "We're not going to raise any new taxes." Right? Here they are, and the first thing they do when they get elected is the largest tax grab in the longest time in the history of Ontario in terms of the health tax, and they said, "But we promise health care's going to be better." Well, tell that to the communities where emergency rooms are closing down. Tell that to seniors who are living in long-term-care institutions and others who ask themselves the question, "Am I any better off?" Arguably, I would say probably not.

I know I had the opportunity, as you did, Mr. Speaker—and I know Mr. Bartolucci did, and my good friend Monique Smith must have as well—to go to our long-term-care institutions when we were invited—

**Ms. Monique M. Smith (Nipissing):** Long-term-care homes.

**Mr. Bisson:** Long-term-care institutions. Well, you can call them what you want. They're LTCs. Anyway, the point is that we all got invited to go in. It was actually a little bit shocking to me, and I've been around this place for a while. I was going to tell you a story, but it's too long so I won't go there. I've only got 13 minutes.

The point is that I go into long-term-care institutions, like most people do, on a fairly regular basis, but I had not gone, I have to admit, for probably about a year and a half or two years. I hadn't been into North Centennial Manor, le Foyer des Pionniers. I had an opportunity to visit those places, and I was a bit shocked by what I saw.



First of all, I want to say categorically that the staff who work in those institutions work hard. The administration and the boards that run them do the best they can, but they're having to do with less and less dollars all the time, because costs go up. Collective agreements negotiate better wage rates for employees. Food costs are going up because of the cost of buying food. Services are going up because generally prices go up. Electricity prices to run the lights and the heat go up. All of those things are going up, but their funding has not kept pace.

When I was at the North Centennial Manor, I walked into a secured wing where you've got some really—first of all, it's a top-notch institution. My good friend Madame Smith was at the opening. I'm pretty sure she was. It's a beautiful institution. Actually, funding was announced under the Tories and it was finally constructed under the Liberals. So to both those parties, I say thank you on behalf of the people of Kapuskasing. It's a beautiful institution. I went into the secured wing, which is designed in a way to be quite friendly to those people living there who have various forms of dementia. But the thing that really struck me was that there was one staff person to take care of that wing. That's all. There was one person.

*Interjection.*

**Mr. Bisson:** Seriously. Monique, you can do that all you want. I was there during the day. It was 9 o'clock in the morning, so people had just been fed. There is one full-time person who's on the floor, and then there's another person who's shared between the two other wings. So what you've got is that if you have more than one resident having problems in that wing, you're not able to deal with the second or third person regarding whatever issue happens. They're not getting the opportunity to give the type of care that they want to give as staff and as a long-term-care institution or a long-term-care home to the residents who live there.

So we've paid this extra health tax. Are we any better off? I think the answer is no, we're not any better off, arguably, than we were before.

I look at the education front, and this is the one that I find really interesting. We've got the Premier who, rightfully so, in the last election said, "We need to do something to deal with education," to stop the kinds of cuts we saw in education and the fights we're having in education on the part of the previous government. They said, "We're going to do something about it." So basically they went out and negotiated a fairly good collective agreement for the teachers who are there, but what has happened is they have not funded the school boards to offset the cost of the new collective agreements. As a result, a whole bunch of school boards across the province are having a really hard time trying to meet the needs of their students. So you saw, for example, over the last week or two in the Peel Catholic English board the trustees were told they have to cut almost \$17 million out of their budget in order to balance it. The board and the parents and the teachers and everybody is unanimous, along with the administration, saying, "Listen, if we take

\$17 million in cuts and services, it's going to affect special-needs education; it's going to affect some of the basic services that we provide our students in our school and we ain't gonna do it."

**1700**

Now you have Minister Wynne, who was a member of the English public board in Toronto, who was a cause célèbre fighting the Tories when they put those policies in place, and now she's basically implementing the same thing the Tories had been accused of doing when the Liberals were in opposition. I find it really interesting. I stand in this House, and if I close my eyes and listen to Minister Wynne, the Minister of Education, I swear to God I'm listening to John Snobelen, because she's saying exactly the same things that John Snobelen was saying when he was Minister of Education. I just say to myself, how do you maintain any kind of credibility with the voter if you're doing exactly the opposite to what you said you were going to do after you were elected as government?

I say to the government across the way, I think you really started off on the wrong foot. The first thing was that they tried to promise absolutely everything to everybody in order to get to government, and then when they got there, they basically decided they weren't going to keep the majority of those promises. I'm just saying, that leaves a bad taste in the mouth of voters, and I think it tars us all with the same brush. I think that's really the unfortunate part, that people then look at politicians as a group and say, "Well, you know what? They're all the same." I think it lowers the ability of members to do the work they do in this House and in their communities, and quite frankly it's a disservice to us all.

So what do I think we need to do now? One of the things that would be helpful is for the government to actually step forward and admit squarely in the cameras—as Dalton stood in the cameras and said, "I will not raise your taxes," maybe he has to stand in the camera and say, "I didn't keep my promises," and tell people why, or do something. I think at one point the voter needs an explanation as to why it is the government didn't do what it was supposed to do.

I have about another seven minutes, and I have to take the opportunity, because it's an opposition day, to talk about some of the issues back home as they relate to what's going on in forestry.

We're lucky in northern Ontario. My good friend Mr. Bartolucci across the way is going to have a warm heart when I say we're in a boom when it comes to mining. Gold metal and base metal prices are up, and thank God, because for communities like mine in Timmins and for those like Mr. Bartolucci's in Sudbury, it means good things. It means that the mining sector is strong. Thank God base metal prices are up and gold metal prices are up, because if we had the prices, as the minister knows, from five years ago, it would be a total disaster in northern Ontario when it comes to the economy. Forestry is really hurting badly. Thank God mining is doing well because of the prices of metals, but we've got to get this



government to deal with the crisis that we have in the forest industry.

I have great respect for Mr. Ramsay, and I have great respect for Mr. Bartolucci. I've worked with these guys for a long time and I know them to be good people. They're honest people. They try to do the best they can. But I'm beginning to think that Mr. Ramsay is not being listened to in cabinet to the degree that he needs to be. I have to ask myself the question, why is it that we're allowing the kinds of things that we see happening now on the part of the forest companies and what's going on in those communities, and there's no response from the government?

A good example is Smooth Rock Falls. I'm going to be really radical on this one, all right? You're going to see my social democratic roots come out on this one big time. Tembec has made a decision. They're a corporation; they have the right. They've said, "We cannot make money with the mill in Smooth Rock Falls." All right, fine, that's their decision. I can't argue with that. But where is the government of Ontario and where is the Minister of Natural Resources when it comes to the decision of what the government has to do as the second part of that decision? Tembec is going to come back to us some time this fall or this winter and they're going to make the final decision as to reopening the plant or permanently shutting the plant down. Lo and behold, if it's shut down, it's even worse news. I'm hoping against all hope that something happens in the grand scheme of things and that Tembec turns its mind around, but we're not doing anything in order to try to get Tembec to basically decide to stay in. We have levers within the province of Ontario that we can utilize to send Tembec a very strong message about what we want as far as outcomes in northern Ontario.

For example, we know that Tembec, at the mill in Smooth Rock Falls, has a power dam. That power dam was built for the express purpose of generating electricity for that mill. It was not built to generate electricity for whomever; it was built to provide electricity to that mill. What would be wrong with this government saying, "Listen, Tembec, we just want to let you know that if you decide to close down, we're not transferring the water agreements. All of those agreements are going to stay in place in order to allow somebody else who may want to buy this mill to have electricity at a lower cost through their own power dams"? That would be a huge lever for the community, because it means that Tembec would have to look at the economics of it and, if they decide to shut down, know full well that they're giving up the dam. At least it gives the community an opportunity to say, "All right. Now we want to find somebody else to buy this mill."

For example, one of the things Tembec has done is that they have not severed any of the employees. It falls under our jurisdiction as a province. Workers were given layoffs—they're now off on unemployment insurance—and they're not severing people. The reason for that, I think, is very simply that they don't have the money to

pay the severance. Again, we need to use the levers that we have as a province to force Tembec to make a decision and to do something.

I would rather see Tembec keep the mill open themselves. They know how to run the business, and I don't suggest for one second that this is a war against Tembec. Tembec is going to do what Tembec's going to do. My point is, we need to get them to make a decision so that the community can then go to the next step. If at the end of the day Tembec says, "I'm out of here," then we need to do things in order to find who's ready to take it over.

I'll be even more radical—well, not radical, but I'll give you a couple of ideas. We know it's a tough market. I'm not going to for one second say that the market isn't a difficult one when it comes to selling pulp. I don't argue that for a second. But that mill made a little bit of money. It wasn't losing money. I sat down with the corporate people here in Toronto, and the message I got from the corporate was a lot different than I got from the local. The local were saying, "We're losing money"; corporate said, "No, we're about breaking even. We're making a little bit of money, but we had to spend a fair amount of money to continue operating, and we didn't want to invest any more money, considering the return wasn't very great."

That being the case, obviously there is probably a plan that can be put together to assist that mill to reopen. I would say that the government of Ontario should be involved with the community, with Mayor Réjeanne Demeules, who, you know as well as I do, has put together a committee of people from the community—the business people, the unions and others, and various ministries—to look at, how economic is this mill? What can we do to put together a purchase offer to buy this mill through whatever means? It might end up becoming a multiple ownership model, where you maybe bring in a private investor who currently owns a sawmill somewhere, like Ben Lecours up in Constance Lake, who needs a market for his chips. Maybe it's a community investment in some way, as we did in Sturgeon Falls when we were government. Lo and behold, maybe it's partly worker ownership, where the workers come to the table and negotiate through their collective agreements some sort of accommodations in order to lever money for them to be part owners.

At the very least, if we were to use all of the tools that we have as a government and say, "We are going to make sure that dam doesn't disappear with Tembec when they close down and they become an electricity company. We're going to make sure that we put pressure on Tembec to make a decision and hopefully try to find a way to stay open"—if they're not able to stay open, at least they'll be in a position to start working towards how we're going to be able to pick up the pieces if Tembec should make the decision not to reopen. I don't think it's radical. We did it in Kapuskasing, as the Minister of Northern Development and Mines knows well. It was a huge success—

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Are we next, or the Liberals?



**Mr. Bisson:** The Liberals are normally after me. It's the Liberals; then it goes to you.

There are all kinds of models—for example, St. Mary's Paper, Algoma Steel and others—where that's been done and it's been very successful. So I say to the government across the way, we're reaching across the aisle, and we want to be able to find a way of working with this government to respond to what the communities are asking.

Mayor Réjeanne Demeules has asked on numerous occasions herself, through my office, to meet with the Premier to talk about these issues. Yes, Mr. Ramsay and Mr. Bartolucci have met with them—I acknowledge that publicly—but they know as well as I do that the real power lies with the Premier. We've got to get the Premier onside, as we had to get the Premier onside when we were government, to make these things happen. It's not good enough for the Minister of Northern Development and Mines or the Minister of Natural Resources to say, "I'm onside." If he doesn't have the support of the Premier and the cabinet, none of this is going to happen.

1710

I would encourage people, in the last few minutes I have, to go down and see our pork, beef and veal producers. There's a great book there called Meat Club (Girls Only) Cookbook. It's a cookbook for girls only, but there's a club. I've got to read this. It's very cute. It says that the rules governing membership in the Meat Club are simple: "You have to be a girl. You have to love to cook and eat meat. You have to love to talk about meat (any kind). What's said in the Meat Club stays in the Meat Club!" You can get the book down there if you go.

**Ms. Smith:** I'm happy today to be able to speak to this motion and to dispel some of the fallacies that have been discussed already today.

It's interesting that Mr. Tory would bring this motion and talk about broken promises when in my riding of Nipissing we've seen nothing but broken promises from the previous Tory government.

**Mr. Yakabuski:** On a point of order, Mr. Speaker: I believe that the member for Nipissing has used a word indirectly for what she can't say directly, and I believe that the word is unparliamentary.

**The Acting Speaker:** I'm not sure what the word was. If you could be more specific, because I didn't hear anything, so I cannot—

**Mr. Yakabuski:** She used the word "fallacies" on the part of the opposition.

**The Acting Speaker:** And you find that objectionable?

**Mr. Yakabuski:** Well, it's an insinuation that they are telling untruths.

**The Acting Speaker:** I cannot agree with you. I'm sorry. "Fallacy" just means that it's not correct.

**Ms. Smith:** Thank you, Mr. Speaker. I'd like to have my minute back on the clock that Mr. Yakabuski has now taken, if you wouldn't mind.

**The Acting Speaker:** [Inaudible] has their apportioned time.

**Ms. Smith:** I'm happy to be able to discuss some of the fallacies that were raised by the opposition party, and maybe Mr. Yakabuski would like to get out his dictionary and check that out.

Mr. Tory is infamous for discussing our record and forgetting about his own. In my riding of Nipissing, the Tory record is notorious. We had two health care facilities that were in need of redevelopment. That didn't move forward at all during the Tory regime but has since gone to tender in my riding. And we're looking forward to October 19, when the tenders will be returned on projects in both Mattawa and North Bay. The one in Mattawa was in need of redevelopment since 1967 and was part of the ridings of both Mr. Eves and Mr. Harris. There was nothing done. There were promises made and never kept.

In my riding, there was a promise made to develop a children's treatment centre. For 21 years that was promised, during the entire Mike Harris regime, and he was our local member—21 years of promises and nothing delivered. Since we came into office we now have a children's treatment centre. We look forward to building a new structure for that children's treatment centre, but it is up and running and thriving. The people of Nipissing and the children of Nipissing are benefiting from that.

We have seen over 25 new teachers hired in our investments in education in Nipissing. We've seen over 7,000 new teachers hired across the province. We've seen smaller class sizes in my riding. We've seen smaller class sizes across the province. We've seen unprecedented investments in Nipissing, which are the college and the university, respectively, in my riding, places that I'm not sure Mr. Harris was even aware existed in our riding.

We've seen a completion date set for Highway 11. Highway 11 has been under redevelopment, four-laning, for, I'd say, close to 50 years. But we have a final date and we are seeing that project come to an end. The people of Nipissing and all of northeastern Ontario are going to benefit from those investments that our government has made, the promises that we've kept on those highways to the people of the north that will ensure economic development and growth in tourism.

The leader of the official opposition was in my community last week and invested a great deal of money in setting up a big sound system so that he could talk to a grand total of five reporters and an empty field about some dreamed-up thing, that he thought he had somehow influenced the building of our hospital. Nothing could be further from the truth.

My community knows and the people of Nipissing know that we are moving forward on the promises that we made in Nipissing and we are investing in what people need in our community. I'm very proud of our record, and I'm proud to have had the opportunity to speak to it today.

**Mr. Yakabuski:** I appreciate the opportunity to speak to this opposition day motion today. We could talk about the 50 significant serious promises that the government



has broken since taking office, but we're going to concentrate on one. We're going to concentrate on their unequivocal promise before taking office to shut down all coal-fired generation in the province of Ontario by 2007, one that has turned out to be so silly and so ridiculous that they're hiding from it and running from it now.

The Premier went on record last year at the OEA conference in Niagara Falls and he said, "We were working on the best advice available from experts in the field when we made that commitment." I can tell you, they didn't hear it from OPG, which operates the plants. They didn't hear it from the IMO, now the IESO, which is responsible for the electricity system in the province of Ontario. And you know what? They didn't hear it from Sean Conway, their energy critic, either, because he would have no part of it, because he knew better. He still knows more than any of those people on the government side about energy. They went ahead and made that promise anyway.

I asked them at estimates—I said, "Okay, you tell me; I want to know—name names of the experts who told you you could do that," and they can't come up with them. Do you know what the big issue here is? It's the credibility. It goes to credibility. It proves, it manifests over and over again that this party will say and do anything if it think it means a vote. That's reprehensible.

**Mr. Kevin Daniel Flynn (Oakville):** It certainly is a pleasure to join this debate. If you agree with our democratic system—I'm sure that all people in this chamber would—that you'd look forward to opposition day, because it's part of the democratic system, and the opposition parties are doing their job in presenting motions.

But I have to say, although I was looking forward to this day with some anticipation, that I was really disappointed in the quality of the motion. I read it through. I thought it would be a serious motion. Instead, it just looks like some shopping list that took maybe five minutes to write up. Certainly, the information that's contained in there—there's definitely a case to be made that a lot of it simply is a little economical with the truth, perhaps.

The promises that have been kept in my riding are something that I'd like to talk about in the short period of time that I've got here. I have a hospital in my riding, Oakville Trafalgar Memorial Hospital. It's a wonderful hospital, but it has simply reached its capacity. There was no way it could expand any more. Despite promises in the past by other governments, by the previous government, there simply was no progress being made on that file. That hospital was not being built. Nothing was moving forward. Since we've assumed power, we've announced the building of the hospital. The site is being picked, financing has been explained and there's an excitement in my community about another promise that we've kept to bring a new hospital to my community in Oakville.

A lot of people in my community also were very interested in the way the town was growing. They were

concerned about the environment, they were concerned about the way the town was growing, the way the environment was being degraded, and they wanted some further protections. I think you just have to look at the greenbelt plan that we've implemented as a government since assuming power to understand that we took this very, very seriously. Not only did we meet our obligation on the greenbelt; we almost doubled the area that we were protecting in Ontario for future generations.

If you look at things like gridlock and you take a look at Oakville, we're widening the QEW, putting an extra lane on each side right through my community, from one end of town to another. We've built the Third Line overpass, two more bridges—Sixteen Mile Creek and Bronte Creek—brand new bridges to provide twinned east-west passage for people who are commuting into Toronto.

When we assumed power, the public education system in this province had some very serious problems. We had parents who were fighting each other trying to keep their own school open. In my own community, the very affluent community of Oakville, there were kids in my neighbourhood who were sharing textbooks. One kid would get the textbook from 4 to 6 o'clock. After supper, the other child would drive over or be driven over by their parents and they would pick up the textbook. That has changed now.

1720

Our schools were crumbling. Mr. Tory's party cut \$200 million out of the public education system. Since assuming power, we've invested over \$2.7 billion.

If you look at the local economy in my own riding of Oakville, if you take a look at Ford with all of the challenges facing the auto industry, Ford Oakville—as a result of some very forward-thinking by our government, by the Minister of Economic Development and Trade and the Premier—has allowed for an investment of over \$1 billion in flexible technology in the automotive industry.

Mr. Tory's party simply was not interested in those types of investments. The previous treasurer just said, "Not interested. The truck plant can close, Ford can do what it wants." We took a much different approach. We treated the problem with the seriousness it deserved, and with the announcements that were made about the new products that are coming to our community, it bore fruit very, very quickly.

When I read a motion like this, on which, as I said, I looked forward with some anticipation that we would have a serious debate, I think you just take a look at the quality of the motion, the type of information that's being provided in it, and you know that really, at the end of the day, it's a lot of hogwash.

**The Acting Speaker:** Minister of Culture.

**Hon. Caroline Di Cocco (Minister of Culture):** On a point of order, Speaker: I just want to wish my dad, who's watching at home—it's his 85th birthday and I want to wish him happy birthday today. Happy birthday, Dad.



**The Acting Speaker:** I have to rule on your point of order by saying it's not a point of order, but I'm sure we all wish him a happy birthday.

Further debate.

**Mr. Ted Arnott (Waterloo–Wellington):** I suppose it's unnecessary to begin by saying that I support this motion, which is intended to draw attention to the issue of integrity in politics. A cynic might suggest that integrity and politics are mutually exclusive concepts; however, I would tend to disagree. I believe integrity is fundamental in government.

David Gergen, who has served as a close adviser to both Republican and Democrat presidents alike, once said that in politics, if you have integrity, nothing else matters. If you don't have integrity, nothing else matters. I believe he's right.

A few years ago, the member for Ottawa South, then leader of the Ontario Liberal Party and Leader of the Opposition, visited Waterloo–Wellington in an attempt to criticize the government of the day for the environmental problems at a plant in Elmira formerly known as Uniroyal, then Crompton and now Chemtura. After his visit, he was quoted in one of our local newspapers as having said, "I'll raise this issue in the House." That's what Dalton McGuinty said.

I'd been involved with the environmental issues at Crompton for some time, working behind the scenes to try to be helpful, so I was quite interested in what questions he might ask in this House. I expected that Mr. McGuinty would ask his question about Crompton on the first day back: He did not. I thought he might ask his question the first week back: He did not. I thought he might ask the question within a month of his visit, but he did not. In fact, to the best of my recollection, he never did raise the issue, and if I'm incorrect, I'm sure the Liberal staffers in the Premier's office will let me know.

I do recall that in a subsequent visit to Elmira, Mr. McGuinty was asked by the local press why he hadn't raised the issue as he had said he would do, and of course he had no substantive answer.

I'm relating this true anecdote to the House at this time because it illustrates the exact point this motion is making: Some politicians will say whatever they think you want to hear to get your vote, and then forget they've even said it; but the people of Ontario can't forget, and they won't be played for fools by this Liberal government.

One year from today, when the voters of Ontario exercise their franchise, they will not overlook the 50 Liberal broken promises outlined in this motion. If the government MPPs think otherwise, they are deluding themselves.

I'm not anticipating that very many of the Liberal MPPs will support this motion, but if they were to follow the dictates of their conscience instead of their whip, I know that some of them would.

For the rest of us, we can only hope for a day, one year from today, when integrity is restored in Ontario politics.

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** It's easy to mouth words about integrity—very, very easy—but I want for just a minute to suggest that politicians campaign in poetry and govern in prose, and a good government is anything that narrows the gap between those two. We're about trying to narrow that gap every single day in this province, and it's been difficult, because when one talks about integrity and breaking promises, we also need to focus back on a fundamental broken trust.

I remember in the last election campaign, the Tory opponent, when I suggested the deficit would reach \$2 billion, asked me what I was smoking, what planet I was from. He said, "Quit fearmongering. That's not true. You're wrong." Well, I was wrong. I was three times wrong. In fact, the structural deficit that we were left with was \$6 billion. So don't lecture us. We've nothing to learn from the other side of the House about integrity when it comes to making campaign commitments. Let's be frank about that.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** They were all at Magna.

**Mr. McMeekin:** I don't know where they were. Anyhow, I just want to put that on the record. There's much more to do for kids and for farmers, and we'll continue to do that as best we can.

*Interjections.*

**The Acting Speaker:** Order, please. Further debate?

**Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford):** I'm very pleased to join in this debate and support the motion that's in front of you.

Certainly there are some serious issues from my side and the consumer end in terms of protecting the public interest, which I believe this government hasn't done with respect to mortgage fraud and title theft. It's a very serious problem. I put forth a bill that's been passed at second reading and is going to the general government committee. I would hope that the government would allow this bill to proceed because people in this province deserve to know that their homes are not going to be taken by fraud artists and they'll lose everything that they've had.

The government has made a commitment with respect to protecting the public interest, but they have made no move for over three years with respect to protecting homeowners from title theft and fraudulent mortgages. I think we're in a state of emergency in terms of dealing with this particular problem. You cannot continue to have, day in and day out, a situation where people can get fraudulent mortgages registered on a piece of property, and it's a valid mortgage. It's not something that's acceptable. It's not something that the public will stand for.

There have been very many people affected by fraudulent conveyances and mortgages. Title insurance companies are facing claims in the millions and millions of dollars—double digits. This is something that is very important. I don't know why the government is not



acting. I don't know what special interests they're protecting by not acting on this particular file. I think it's a very important file. They seem to think it's business as usual. I don't think it's business as usual.

There are of course a lot of transactions that go on in real estate in this province, but we're dealing with some serious situations here where the government has made a decision that, from a policy point of view, they don't believe that mortgage fraud and title theft, which will take homes away from people in this province, are a priority. I think that's wrong.

**Mr. Khalil Ramal (London—Fanshawe):** Thank you for giving me the time and privilege to respond to the motion brought by the opposition party.

I was listening to the many different speakers from the other side of the House talking about breaking promises. I wish they had a vision for the people of Ontario. I wish they had a vision to tell us how they can fix education, which they broke for the last eight years. I wish they had a vision for health care. I wish they had a vision for child poverty. I hope they have a vision for infrastructure in the province of Ontario.

The people of this province elected us in 2003 to fix all the broken institutions which were broken by the previous government. That's why we're here today: to fix them all, not just to come here and talk and show off on different issues. We take the job seriously, because we have a lot of jobs ahead of us to fix whatever the Conservatives broke when they were in government for eight years: education, health care, infrastructure. That's why we got elected.

The sad part is, they elected a leader who is well known out there in the community as a yes man. He never said no to anything—yes, yes, yes, yes. That's not the kind of leader we need in the province of Ontario. We need a leader who can challenge the issues, stand up for the people of this province, can say it's wrong when it's wrong and can say yes when it's right.

That's what we're all about, this leadership. That's why we are proud of Premier McGuinty, who takes a stand on any issue, from the environment to education to health care. That's why we are here. We in this province proudly elected a government that can lead us into the next century, strong and prosperous.

Thank you again for giving me the chance to speak.  
1730

**Ms. Laurie Scott (Haliburton—Victoria—Brock):** I'm pleased this afternoon to join the debate on opposition day. It's been three years since the McGuinty Liberals took office and they began breaking their promises. We have a list here of over 50 promises that have been broken. We all know that it's a long list. I'm not going to be able to address them all; a lot of my colleagues have started off.

Number 20: The Ministry of the Environment is to meet its promise of 60% waste diversion. Yesterday the Environmental Commissioner issued a scathing report on the government, wherein Mr. Miller said the McGuinty Liberals made the promise and waited two years before

even beginning to address the issue. According to the previous parliamentary assistant to the Minister of the Environment, the member for Perth—Middlesex, they had an amazing plan. It was only a few weeks ago in estimates that the Minister of the Environment said there is no plan. The 60% is a stretch; a broken promise. The Minister of the Environment doesn't even really have the courage to say, "We can't meet 60%; that was just a stretch target."

How about number 40 on the list of broken promises: open and transparent government? Our leader, along with myself, repeatedly asked the Minister of the Environment and the Minister of Infrastructure Renewal about the costs to the Ontario taxpayers of that knee-jerk, back-of-the-napkin plan to recycle LCBO products at the Beer Store. Have we heard an answer yet on the plan? No. Everything is secret, "No, no, we have no plan." Mr. McGuinty himself looked people in the eye and promised the government would be open and transparent—another premeditated broken promise.

What about promise number 45: giving taxpayers better value for their money? Just a few short weeks ago, we heard from the CEO of the Alcohol and Gaming Commission of Ontario that they undertook a rebranding exercise at a cost of up to \$6 million to \$10 million, and that rebranding exercise consisted of—take a deep breath—dropping the "C"—\$6 million to \$10 million to drop the "C," when farmers and kids with autism are not getting any of that money. We're still waiting to hear where the big public outcry was to drop the "C."

And how about number 10: provide autism treatment beyond the age of six? We haven't got that. Last week, the parents of children with autism were rallying against it.

The Minister of the Environment doesn't have the courage to get things done. She's been shuffled a rough deck. The McGuinty Liberals promised to remove the appeal of the Richmond landfill, and what did they do? They removed the appeal. The Attorney General promptly issued another appeal.

I could go on and on, but so many of my colleagues want to speak to the broken promises legislation.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** It gives me a privileged opportunity to participate in this debate and to discuss the motion that is before the House. To reject the motion that is before the House would be the appropriate thing to do because the motion is written in a rather infantile way, in the sense that the motion suggests that the discussion about issues in the province of Ontario is as simple as yea or nay, is as simple as whether they're up or down, yes or no. The reality, of course, is that the people of Ontario three years ago today elected a government which has worked very, very hard—diligently—to enhance the quality of public services in the province of Ontario.

The subterfuge associated with their motion is to obviate the reality, but the people of Ontario are smarter than given credit by the official opposition. They're



smart enough to know that the circumstances that faced us as we undertook these very extraordinary privileges of being in government were ones where the previous government had broken faith with the people of Ontario through a very deliberate misstatement of the facts as they relate to the budget of the province of Ontario.

Ernie Eves has disappeared from the political scene, but the memory of Ernie Eves and Mike Harris lives on, and not just in those members who keep the legacy of that party alive every day with the two health ministers who stand in their place and defend the record they have as a government. We know the people of Ontario are smarter than that because they know that for eight and a half years they had the measure of a government and what it was all about. One of those measures was 24 million—

*Interjection.*

**Hon. Mr. Smitherman:** Apple crisp has a word to say now, but why didn't he stand up and speak up for his constituents when 24 million student days were lost to the war they had sought and brought upon the education system in Ontario?

Here are some promises that we made and that we kept. To protect medicare, we passed the Commitment to the Future of Medicare Act. We stopped Copeman and we stopped Life Line. They did not have the courage, because they have no position, and did not support the bill.

We said we would increase access to MRIs. In Ottawa, as an example, we've increased access to MRIs by 75%. We've repatriated MRIs that they privatized and introduced MRIs in other places.

We said there would be an independent agency to report on the status of health care, and we brought forward the Ontario Health Quality Council.

We said we would save money through generics—Mr. Tory likes to talk about finding efficiency in government resource—and we brought forward a bill that brought back a quarter of a billion dollars in savings to the taxpayers of Ontario. Mr. Tory and his sad-sack reject crew from Mike Harris and Ernie Eves voted against it.

We said we'd save money by using pharmacists in primary care, and we've done that. Pharmacists are now evolving into family health teams and providing better care.

We said we'd lower wait times in cardiac, in cancer, in joints and in scans. Cancer is down 3.7%, angiography down 25%, angioplasty down 50%, hips down 18%, knees down 12%, cataracts down 20%, MRIs down 23%, CT scans down 13%—promises made to Ontarians and promises kept.

We said we'd make up for the 22% reduction they had in acute-care beds by building 1,600 more beds. Instead, we're building 2,000 more beds to reduce the reductions they made. We said we would increase home care services for Ontarians, and indeed 71,000 more Ontarians are enjoying access to home care that they need.

We said we'd provide guaranteed multi-year funding to our hospitals and, true to our word, Ontario hospitals

have for some time now enjoyed the privilege of knowing what their budgets would be, not just for today and not just for next year but for the year after that.

We said we'd create a seniors strategy, and look what we've done: a long-term-care-home act. We froze the co-pay, the sad co-pay that is the legacy of the Harris government that the member from Durham is so ashamed to be part of. We reversed that by freezing the co-pay, and we invested a further three quarters of a billion dollars in our long-term-care sector. Our wait time strategy is about seniors. We have an osteoporosis strategy. We've created a seniors strategy.

We said we'd invest in community mental health: a 50.4% increase in spending on mental health, because we understand that the people in our communities need those.

We said we'd increase the number of family doctors by increasing quality of work life through family health teams, and look what we've accomplished: a 23% increase in medical school spaces—you created the doctor shortage and everybody in Halton knows it—150 family health teams, a 70% increase in family residency training and, the results of all results, 420,000 additional Ontarians enjoying access to primary care. In Peterborough, 3,000, 4,000, 5,000 Ontarians orphaned by the inaction of that party when in government are now enjoying access to primary care.

We said we'd remove barriers for foreign-trained doctors. Since our government came to office, 750 foreign-trained doctors are out there in service to communities and a further 450 are being trained.

We said we'd hire 8,000 nurses, and already 4,300 of them are on the front lines of health care; funding has been laid out for 2,500 more, who are being hired; and a nursing graduate guarantee that doesn't see the effect of these young students coming out of schools—we're not going to have them squandered like they were for so many years when Mike Harris and the legacy of that tired party over there called our nurses hula hoops.

We said we'd accelerate the development of the Northern Ontario School of Medicine, and we have invested \$100 million in facilities and programs and training to support this new generation of medical students in the north—the second class of 56 students, all on the McGuinty government's watch and all made possible through our commitment to northern Ontario.

To make the chief medical officer of health more independent, we passed a piece of legislation, as we committed. To provide vaccinations that we promised to prevent chicken pox, we have spent \$154 million to add three new publicly funded vaccines. We acknowledge alternative health care options through Bill 50—traditional Chinese medicine.

The point is clear: We have done so very much since we've had the privilege of governing in Ontario. But from the disastrous leadership that preceded us, eight and a half years under Mike Harris and the right-wing regime that has lots of leftover effect in the form of these members who defend the legacy, we have more work to



do. Public services in Ontario are on the way back up, and we will be proud to work hard to be re-elected one year from today.

1740

**Mrs. Julia Munro (York North):** I'm very pleased to be able to join in this afternoon's opposition day and to speak in support of our leader, John Tory, and this opposition day motion.

In the few moments that I have, I want to concentrate on two specific areas where the government has demonstrated its inability to fulfill the kind of promises that it made. It was interesting to hear at one time one of the members of the Premier's party refer to the fact that it was probably better if they hadn't allowed their leader to have a pen during the election campaign, because the temptation to try to be all things to all people and offer promises to people was too tempting.

I want to talk for a moment about the fact that in Arts and Culture Matter, which was the Liberal policy platform on culture, the government promised Ontarians that within two years of the mandate they would produce a report on the status of the artist and from that, then, the creation of legislation for artists in this province. The two-year deadline passed a year ago and Ontario's arts and culture have seen nothing from this government. Certainly at this point in time stakeholders are telling me that they are extremely disappointed with this government. The possibility of the government doing anything in terms of introducing such an act becomes less and less a possibility, a reality, today.

The second area I'd like to speak about for a moment is the Ministry of Children and Youth Services. I think it's particularly unfortunate that this was the ministry that the government spoke about in glowing terms, about being the first government to have a full-fledged ministry. Of course, we had created a secretariat with responsibility for children and youth, but this government used this opportunity to demonstrate its commitment by having a full-fledged ministry and the bureaucracy that goes with that. But in fact, when you look at this ministry, it is one of the worst offenders when it comes to broken promises. I think it's an embarrassment for this government to use this new ministry and then fail the children and the youth of this province to the degree to which they have.

Obviously, the failure on autism is one that we are all very much aware of. Every single one of us has families suffering in our communities. They also failed to keep their promise on the thousands of child care spaces. They have failed to keep their promise on reforming the office of the child advocate. And they have failed to live up to their promise on the federal tax credit clawback.

These are all things that they promised Ontario families they would do, and they have failed the children of this province in all of these areas.

**Mr. John O'Toole (Durham):** It's a pleasure to get up and talk to the opposition day motion by our leader, John Tory. I think I can keep the message quite simple and direct. What we're trying to establish here for the

people of Ontario is that we're dealing with a government that would say anything and do anything to get elected.

The comparison should be quickly drawn that you're dealing with an opposition leader and a party whose actual moniker is that of a party that did what it said, if you would recall any single thing—some of which you may disagree with, but at least we kept our promises.

I look at the role as the critic now for the Ministry of Transportation. One of the things that we should want to remind ourselves about is, I think, promise number 44, which talks about gridlock. When we talk about gridlock, we're talking about transportation solutions, and by transportation solutions, they promised just one thing that I'll comment on: the Greater Toronto Transportation Authority. We supported that legislation but, quite frankly, they've promised it five times. They've had three years, it has been in three different budgets, and they've done absolutely nothing. I asked the minister a question on that just yesterday. What did she do? She made another vain promise.

So to conclude my remarks, we're dealing with a government that would say anything and do anything to get elected. The electorate of Ontario should be leery of this government and trusting anything they say.

**Mr. Ted Chudleigh (Halton):** It's not necessarily a pleasure to join this debate, because this is all about broken promises; this is all about politicians' integrity. When you walk down the street, your integrity is everything. When you have integrity in this world, people respect you; they believe you. If you don't have that integrity, you're not believed; you have no position in society.

It's a sad state of affairs when we have over 50 promises that were made, promises like rolling back the tolls on 407. Well, the agreement on 407 is on the Internet. It doesn't take a lot of research to check out what the agreement says regarding 407. It was very, very clear that you cannot roll back those tolls, but that's what the polls said that people wanted to hear. The polls said, "Roll back the tolls on 407; you'll get some votes," and, boy, the Liberals came to the table. Dalton McGuinty came to the table. He said, "I'll roll back the tolls on 407," knowing full well, if there was even a smidgen of research done, that it couldn't be done. But that's what he did. He made that promise. That speaks to integrity.

There's the old adage that if you fool me once, it's your fault, but fool me twice, shame on me. That's what this is all about. When you go to the polls, the people of Ontario will remember that you fooled them once with all your promises that weren't kept. When you go to the polls one year from today and you try to fool Ontarians twice, I think that Ontarians are going to remember exactly what happened three years ago today. The results of the poll that will be taken—and Liberals are famous for listening to their polls—a year from today will reflect exactly the kinds of things that you talked about.

You were going to also stop the 6,600 houses that were going to be built on the Oak Ridges moraine. Well,



talk about a promise you couldn't keep. This land was already half-developed. The sewers were in, the sidewalks were in, the curbs were in in much of that development, yet that's what you promised. You promised that you were going to stop those houses, knowing full well that was impossible.

I think the people of Ontario are going to say to you very loudly and clearly, "Not this time, Dalton. Not this time."

**The Acting Speaker:** The time for debate has expired.

Mr. Tory has moved opposition day number 1. It reads as follows:

"That the Legislative Assembly of Ontario"—

**Interjection:** Dispense.

**The Acting Speaker:** Dispense? I hear some noes.

"That the Legislative Assembly of Ontario recognize that it has been three years since the Liberals took office;

"That the Legislative Assembly of Ontario recognize that shortly after taking office the Liberals and their Premier began breaking their promises;

"That the Legislative Assembly of Ontario recognize that ever since the Liberals broke their first promise, they have looked high and low for others to blame;

"That the Legislative Assembly of Ontario recognize that the only people to blame for for making these promises are the Liberals themselves;"

*Interjections.*

**The Acting Speaker:** Order, please. I have to read the motion. It has to be heard.

"That the Legislative Assembly of Ontario recognize that with one year to go before the next election"—

**Hon. Dwight Duncan (Minister of Energy):** Dispense.

1750

**The Acting Speaker:** Dispense?

**Interjection:** No.

**The Acting Speaker:** I've heard a no.

"That the Legislative Assembly of Ontario recognize that with one year"—

**Hon. Mr. Duncan:** Dispense.

**The Acting Speaker:** I'm not going to recognize you again. Would you please have some order and some respect for the Chair?

"That the Legislative Assembly of Ontario recognize that with one year to go before the next election, the Liberals must begin taking responsibility for the promises that they themselves made;

"That the Legislative Assembly recognize that this list of broken promises includes, but is not limited to, the following 50 broken promises:

"(1) 'I won't raise your taxes';

"(2) Roll back tolls on the 407;

"(3) Fund medically necessary health care services (de-listed eye exams, chiropractic care and physiotherapy);

"(4) Not add to the province's debt;

"(5) Stop 6,600 houses from being built on the Oak Ridges moraine;

"(6) Abide by the balanced budget law;

"(7) Cap hydro rates at 4.3 cents per kilowatt hour until 2006;

"(8) Respect MPPs and democracy;

"(9) Allow all non-cabinet MPPs to criticize and vote against government legislation;

"(10) Provide autism treatment beyond age six;

"(11) Reduce auto insurance rates by 10% within 90 days;

"(12) Reduce the use of private consultants;

"(13) Cancel P3 hospitals in Brampton and Ottawa;

"(14) Public inquiry into meat inspection;

"(15) Withdraw government appeal on the Richmond landfill;

"(16) Make Ontario's chief medical officer of health an independent officer of the Legislature;

"(17) Govern with honesty and integrity;

"(18) Provide better mental health care;

"(19) Value and support the public service;

"(20) Divert 60% of municipal garbage to recycling by 2005;

"(21) Close 'private' MRI and CT clinics;

"(22) Stop school closings;

"(23) Introduce status-of-the-artist legislation;

"(24) Close coal-fired electricity plants by 2007;

"(25) Create tens of thousands of new child care spaces;

"(26) End federal child tax credit clawback;

"(27) Build 20,000 new affordable housing units;

"(28) Spend 'every penny' of the new health tax on health care;

"(29) Eliminate barriers to foreign-trained professionals within one year;

"(30) Require trades and professions to accept qualified immigrants within one year;

"(31) Repeal the Tenant Protection Act within one year;

"(32) Establish a standing committee on education to hold yearly hearings;

"(33) Hire 8,000 nurses;

"(34) Provide legal rights to victims of crime;

"(35) Make the Ministry of Agriculture a lead ministry;"

**Interjection:** Done.

**The Acting Speaker:** I intend to finish this. The next person who says anything I'm going to kick them out.

"(36) Support the province's cities;

"(37) Ensure health dollars are spent wisely;

"(38) Stop the waste of taxpayers' dollars;

"(39) Guarantee stable, long-term funding for our rural and northern communities;

"(40) Operate an open and transparent government;

"(41) Provide a new funding formula for rural and northern schools;

"(42) Hard cap of 20 students for early grades;

"(43) Ensure 75% of students meet or exceed the provincial standard on province-wide tests within first mandate;

"(44) Tackle gridlock;

"(45) Give taxpayers better value for money while keeping taxes down;

"(46) Eliminate mercury emissions from its coal-fired electric power generation plants by 2010 as part of the Canada-wide standard (CWS) agreement;

"(47) Balance the budget every year of their mandate;

"(48) Put the public interest ahead of special interests;

"(49) Unclog emergency rooms; and

"(50) Give the Ministry of Natural Resources the resources to protect fish and wildlife.

"That the Legislative Assembly of Ontario recognize this government's endless promise-breaking has left a trail of damage across this province;

"That the Legislative Assembly of Ontario ask the Premier to apologize to the citizens of Ontario for his legacy of broken promises."

Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

There being more than five members, call in the members. There will be a 10-minute bell.

*The division bells rang from 1755 to 1805.*

**The Acting Speaker:** Mr. Tory has moved opposition day motion number 1. All those in favour will please rise and be recorded by the Clerk.

#### Ayes

Amott, Ted	Horwath, Andrea	O'Toole, John
Barrett, Toby	Hudak, Tim	Scott, Laurie
Bisson, Gilles	Kormos, Peter	Sterling, Norman W.
Chudleigh, Ted	MacLeod, Lisa	Tascona, Joseph N.
Dunlop, Garfield	Martel, Shelley	Tory, John
Elliott, Christine	Miller, Norm	Witmer, Elizabeth
Hardeman, Ernie	Munro, Julia	Yakabuski, John

**The Acting Speaker:** Those opposed will please stand and be recorded by the Clerk.

#### Nays

Arthurs, Wayne	Fonseca, Peter	Patten, Richard
Balkissoon, Bas	Gerretsen, John	Peters, Steve
Bartolucci, Rick	Hoy, Pat	Phillips, Gerry
Bentley, Christopher	Jeffrey, Linda	Qadri, Shafiq
Broten, Laurel C.	Lalonde, Jean-Marc	Ramal, Khalil
Cansfield, Donna H.	Leal, Jeff	Ramsay, David
Caplan, David	Levac, Dave	Rinaldi, Lou
Chambers, Mary Anne V.	Marsales, Judy	Ruprecht, Tony
Colle, Mike	Matthews, Deborah	Sandals, Liz
Craitor, Kim	McMeekin, Ted	Sergio, Mario
Crozier, Bruce	McNeely, Phil	Smith, Monique
Delaney, Bob	Meilleur, Madeleine	Smitherman, George
Di Cocco, Caroline	Milloy, John	Sorbara, Gregory S.
Dombrowsky, Leona	Mitchell, Carol	Van Bommel, Maria
Duncan, Dwight	Mossop, Jennifer F.	Wilkinson, John
Flynn, Kevin Daniel	Oraziotti, David	Zimmer, David

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 21; the nays are 48.

**The Acting Speaker:** I declare the motion lost.

It now being past the hour of 6 o'clock, this House stands adjourned until tomorrow at 10 o'clock.

*The House adjourned at 1808.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman

Speaker / Président: Hon. / L'hon. Michael A. Brown

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	<b>Brown, Hon. / L'hon. Michael A. (L)</b> Speaker / Président	Haliburton-Victoria-Brock	Scott, Laurie (PC)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Halton	Chudleigh, Ted (PC)
Barrie-Simcoe-Bradford	<b>Tascona, Joseph N. (PC)</b> Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative	Hamilton East / Hamilton-Est	Horwath, Andrea (ND)
Beaches-East York / Beaches-York-Est	Prue, Michael (ND)	Hamilton Mountain	<b>Bountrogianni, Hon. / L'hon. Marie (L)</b> Minister of Intergovernmental Affairs, minister responsible for democratic renewal / ministre des Affaires intergouvernementales, ministre responsable du Renouveau démocratique
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)	Hamilton West / Hamilton-Ouest	Marsales, Judy (L)
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Hastings-Frontenac-Lennox and Addington	<b>Dombrowsky, Hon. / L'hon. Leona (L)</b> Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)	Huron-Bruce	Mitchell, Carol (L)
Brant	Levac, Dave (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kingston and the Islands / Kingston et les îles	<b>Gerretsen, Hon. / L'hon. John (L)</b> Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Cambridge	Martiniuk, Gerry (PC)	Kitchener Centre / Kitchener-Centre	Milloy, John (L)
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener-Waterloo	Witmer, Elizabeth (PC)
Davenport	Ruprecht, Tony (L)	Lambton-Kent-Middlesex	Van Bommel, Maria (L)
Don Valley East / Don Valley-Est	<b>Caplan, Hon. / L'hon. David (L)</b> Minister of Public Infrastructure Renewal, deputy government House leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint du gouvernement	Lanark-Carleton	Sterling, Norman W. (PC)
Don Valley West / Don Valley-Ouest	<b>Wynne, Hon. / L'hon. Kathleen O. (L)</b> Minister of Education / ministre de l'Éducation	Leeds-Grenville	Runciman, Robert W. (PC)
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London North Centre / London-Centre-Nord	Matthews, Deborah (L)
Durham	O'Toole, John (PC)	London West / London-Ouest	<b>Bentley, Hon. / L'hon. Christopher (L)</b> Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Eglinton-Lawrence	<b>Colle, Hon. / L'hon. Mike (L)</b> Minister of Citizenship and Immigration / ministre des Affaires civiques et de l'Immigration	London-Fanshawe	Ramal, Khalil (L)
Elgin-Middlesex-London	<b>Peters, Hon. / L'hon. Steve (L)</b> Minister of Labour / ministre du Travail	Mississauga Centre / Mississauga-Centre	<b>Takhar, Hon. / L'hon. Harinder S. (L)</b> Minister of Small Business and Entrepreneurship / ministre des Petites Entreprises et de l'Entrepreneuriat
Erie-Lincoln Essex	Hudak, Tim (PC)	Mississauga East / Mississauga-Est	Fonseca, Peter (L)
	<b>Crozier, Bruce (L)</b> Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga South / Mississauga-Sud	Peterson, Tim (L)
Etobicoke Centre / Etobicoke-Centre	<b>Cansfield, Hon. / L'hon. Donna H. (L)</b> Minister of Transportation / ministre des Transports	Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Nepean-Carleton	MacLeod, Lisa (PC)
Etobicoke-Lakeshore	<b>Broten, Hon. / L'hon. Laurel C. (L)</b> Minister of the Environment / ministre de l'Environnement	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Niagara Falls	Craiton, Kim (L)
Guelph-Wellington	Sandals, Liz (L)	Nickel Belt	Martel, Shelley (ND)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Nipissing	Smith, Monique M. (L)
		Northumberland	Rinaldi, Lou (L)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Oak Ridges	Klees, Frank (PC)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Oakville	Flynn, Kevin Daniel (L)	Sudbury	<b>Bartolucci, Hon. / L'hon. Rick (L)</b> Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Oshawa	Ouellette, Jerry J. (PC)	Thornhill	Racco, Mario G. (L)
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Thunder Bay–Atikokan	Mauro, Bill (L)
Ottawa South / Ottawa-Sud	<b>McGuinty, Hon. / L'hon. Dalton (L)</b> Premier and President of the Council, Minister of Research and Innovation / premier ministre et président du Conseil, ministre de la Recherche et de l'Innovation	Thunder Bay–Superior- North / Thunder Bay–Superior- Nord	Gravelle, Michael (L)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	<b>Watson, Hon. / L'hon. Jim (L)</b> Minister of Health Promotion / ministre de la Promotion de la santé	Timiskaming–Cochrane	<b>Ramsay, Hon. / L'hon. David (L)</b> Minister of Natural Resources, minister responsible for Aboriginal Affairs / ministre des Richesses naturelles, ministre délégué aux Affaires autochtones
Ottawa–Orléans	McNeely, Phil (L)		Bisson, Gilles (ND)
Ottawa–Vanier	<b>Meilleur, Hon. / L'hon. Madeleine (L)</b> Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones	Timmins–James Bay / Timmins–Baie James	<b>Smitherman, Hon. / L'hon. George (L)</b> Deputy Premier, Minister of Health and Long-Term Care / vice-premier ministre, ministre de la Santé et des Soins de longue durée
Oxford	Hardeman, Ernie (PC)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Tabuns, Peter (ND)
Parkdale–High Park	DiNovo, Cheri (ND)		Marchese, Rosario (ND)
Parry Sound–Muskoka	Miller, Norm (PC)	Toronto–Danforth	<b>Sorbara, Hon. / L'hon. Greg (L)</b> Minister of Finance, Chair of the Management Board of Cabinet / ministre des Finances, président du Conseil de gestion du gouvernement
Perth–Middlesex	Wilkinson, John (L)	Trinity–Spadina	<b>Arnott, Ted (PC)</b> First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Peterborough	Leal, Jeff (L)	Vaughan–King–Aurora	Elliott, Christine (PC)
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)		Zimmer, David (L)
Prince Edward–Hastings	Parsons, Ernie (L)		<b>Pupatello, Hon. / L'hon. Sandra (L)</b> Minister of Economic Development and Trade, minister responsible for women's issues / ministre du Développement économique et du Commerce, ministre déléguée à la Condition féminine
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	Waterloo–Wellington	<b>Duncan, Hon. / L'hon. Dwight (L)</b> Minister of Energy / ministre de l'Énergie
Sarnia–Lambton	<b>Di Cocco, Hon. / L'hon. Caroline (L)</b> Minister of Culture / ministre de la Culture		<b>Kwinter, Hon. / L'hon. Monte (L)</b> Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Sault Ste. Marie	Oraziotti, David (L)	Whitby–Ajax	Munro, Julia (PC)
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	Willowdale	Sergio, Mario (L)
Scarborough East / Scarborough-Est	<b>Chambers, Hon. / L'hon. Mary Anne V. (L)</b> Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse	Windsor West / Windsor-Ouest	
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)		
Scarborough–Agincourt	<b>Phillips, Hon. / L'hon. Gerry (L)</b> Minister of Government Services / ministre des Services gouvernementaux	Windsor–St. Clair	
Scarborough–Rouge River	Balkissoon, Bas (L)	York Centre / York-Centre	
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)	York North / York-Nord	
St. Catharines	<b>Bradley, Hon. / L'hon. James J. (L)</b> Minister of Tourism, minister responsible for seniors, government House leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement	York West / York-Ouest	
St. Paul's	<b>Bryant, Hon. / L'hon. Michael (L)</b> Attorney General / procureur général	Burlington	Vacant
Stoney Creek	Mossop, Jennifer F. (L)	Markham	Vacant
		York South–Weston / York-Sud–Weston	Vacant

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



## STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY COMITÉES PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE

### **Estimates / Budgets des dépenses**

Chair / Président: Garfield Dunlop  
Vice-Chair / Vice-Président: Vacant  
Wayne Arthurs, Bob Delaney,  
Garfield Dunlop, Andrea Horwath,  
Phil McNeely John Wilkinson,  
Jim Wilson, David Zimmer  
Clerk / Greffier: Katch Koch

### **Finance and economic affairs / Finances et affaires économiques**

Chair / Président: Pat Hoy  
Vice-Chair / Vice-Président: Phil McNeely  
Ted Arnott, Wayne Arthurs, Toby Barrett,  
Pat Hoy, Judy Marsales,  
Phil McNeely, Carol Mitchell,  
Michael Prue, Liz Sandals  
Clerk / Greffier: Douglas Arnott

### **General government / Affaires gouvernementales**

Chair / Présidente: Linda Jeffrey  
Vice-Chair / Vice-Président: Jim Brownell  
Jim Brownell, Brad Duguid, Kevin Daniel Flynn,  
Linda Jeffrey, Jean-Marc Lalonde,  
Jerry J. Ouellette, Peter Tabuns,  
Lou Rinaldi, John Yakabuski  
Clerk / Greffière: Susan Sourial

### **Government agencies / Organismes gouvernementaux**

Chair / Président: Tim Hudak  
Vice-Chair / Vice-Président: Vacant  
Cheri DiNovo, Michael Gravelle, Tim Hudak,  
John Milloy, Ernie Parsons,  
Laurie Scott, Monique M. Smith,  
Joseph N. Tascona, John Wilkinson  
Clerk / Greffière: Tonia Grannum

### **Justice Policy / Justice**

Chair / Président: Vic Dhillon  
Vice-Chair / Vice-Présidente: Maria Van Bommel  
Bas Balkissoon, Lorenzo Berardinetti,  
Vic Dhillon, Christine Elliott, Frank Klees,  
Peter Kormos, Ted McMeekin,  
David Oraziotti, Maria Van Bommel  
Clerk / Greffière: Anne Stokes

### **Legislative Assembly / Assemblée législative**

Chair / Président: Bob Delaney  
Vice-Chair / Vice-Président: Mario G. Racco  
Bob Delaney, Ernie Hardeman, Rosario Marchese,  
Ted McMeekin, Norm Miller, Jennifer F. Mossop,  
Tim Peterson, Mario G. Racco, Mario Sergio  
Clerk / Greffière: Tonia Grannum

### **Public accounts / Comptes publics**

Chair / Président: Norman W. Sterling  
Vice-Chair / Vice-Présidente: Julia Munro  
Shelley Martel, Deborah Matthews,  
Lisa MacLeod, Bill Mauro, John Milloy,  
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Norman W. Sterling, David Zimmer  
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**Assemblée législative  
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Deuxième session, 38<sup>e</sup> législature

**Official Report  
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(Hansard)**

**Journal  
des débats  
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**Thursday 5 October 2006**

**Jeudi 5 octobre 2006**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 5 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 5 octobre 2006

*The House met at 1000.  
Prayers.*

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### CLIMATE CHANGE AWARENESS DAY ACT, 2006 LOI DE 2006 SUR LA JOURNÉE DE SENSIBILISATION AUX CHANGEMENTS CLIMATIQUES

Mr. McNeely moved second reading of the following bill:

Bill 139, An Act to make April 21 Climate Change Awareness Day / Projet de loi 139, Loi visant à faire du 21 avril la Journée de sensibilisation aux changements climatiques.

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. McNeely, pursuant to standing order 96, you have up 10 minutes.

**Mr. Phil McNeely (Ottawa—Orléans):** "I have seen the enemy and it is us." It is sad when we can point to ourselves as our own worst enemy. We all share this earth—it's the only one we've got—but we are quickly destroying this earth for ourselves, our children and our grandchildren. Climate change is here, and we are in denial. Al Gore called his book and movie *An Inconvenient Truth*. We do not want to hear the truth. As we go through our greedy lives consuming, wasting, using and throwing away, we do not want to consider what we are doing to this beautiful environment around us.

The Environmental Commissioner of Ontario, Mr. Gord Miller, and I shared a stage in Orléans last week to talk about the environment. The Friends of Petrie Island had a wonderful slide presentation showing the flora and fauna of Petrie Island. That's an island only two kilometres away from the community of Orléans, a community of 100,000 people.

We started the evening with photos of our beautiful Petrie Island as a reminder of what we have and what we must protect at all costs. But the truth is, most of us are carbon makers. Climate change is caused by emissions of greenhouse gases. The gases that make up greenhouse gases are complex, but to discuss them in simple terms, we can refer to them as tonnes of carbon. Dirty carbon can be attributed in large part to human behaviour. In

Canada, 22 tonnes are emitted per capita; we are the worst polluters in the world.

The cars we drive, the homes we live in with all their appliances and entertainment devices, energy production and industry all produce carbon. The resulting carbon production is bringing about changes in our atmosphere that are unnatural and should serve as a warning to us all. Many scientists say we're at a tipping point where irrevocable change in our world can happen rapidly.

The changes we are experiencing already include warmer weather. The temperature has increased by 0.6 degrees around the world. In our north, it has increased by two degrees. The effects of the changing climate are widespread. Here in Canada, First Nations are seeing more beach erosion due to savage storms that are becoming more frequent and much more intense. Their traditional hunting grounds have changed radically.

More and more often, we are seeing storms that flood our basements, wash out bridges and send hydro lines plummeting to the ground.

Low-lying countries like Bangladesh have been experiencing major catastrophes. Then, of course, there is New Orleans, still repairing itself from the effects of Katrina.

Scientists predict that the Greenland icecap will melt. It is already reducing in size at an alarming rate, and that will cause the oceans to rise up to five metres, forcing hundreds of millions of people to move inland. Perhaps you've taken a vacation to Miami, Florida. If the ocean level rises as expected, Miami will be a small island some 80 kilometres out to sea. Everything from Fort Myers south will be underwater.

Our problem lies in the fact that we live in a consumer culture. Somehow, over the years, keeping up with the Joneses has become quite the endeavour. Now our cars are too big and use too much gas, our houses are too big and cost too much to heat and cool, and we consume too much in material goods, and that all adds up to the carbon we produce. We have become blind to our actions, but now our eyes are opening and it's time for action. We should be downsizing our cars and taking public transit, teleworking, ride sharing, biking, walking. In China and India, people who were biking to work are now getting off their bikes and into cars. How can we prevent them from repeating our mistakes?

We can sit here this morning and point fingers all we like, but that will get us nowhere. Placing the blame on someone else is just another avoidance strategy. We have to realize that this problem is everyone's problem, regardless of where we live, where we work or what

political affiliation we may have. This is the single most important issue of our time. What we need to do now is work together.

Ontario has already closed one coal-fired plant, which reduced CO<sub>2</sub> emissions by 15%. The most important step we can take in Ontario is to close the other four coal-fired plants and achieve almost 50% of Ontario's share of reductions agreed to under Kyoto. And that we will do.

Ontario will reduce greenhouse gas emissions by 30 megatonnes when we close our four coal-fired electric generators. Closing those plants will be the equivalent of taking seven million cars off the road.

So while Ontario plans to close four coal-fired electrical plant generators, the United States has planned to open 72—half of them upstream from us in the Ohio Valley etc., China is opening 562 or planning them—which translates to five per month, and India is planning to build 200, or two a month. All these coal-fired plants will have a tragic effect on our climate. If these 834 coal-fired plants are similar to ours in their production of greenhouse gases, it will be equivalent to putting 1.4 billion more cars on the road.

Unfortunately, Alberta oil production generates 23 megatonnes of greenhouse gases, and by 2010, that figure will rise to 70 megatonnes: 9% of Canada's greenhouse gases. This is equivalent to putting 16 million cars on the road. Should we subsidize oil for export when the production contributes so much to climate change? I wonder.

We live in an interconnected world. Whether we live here or in Beijing, in Crawford, Texas, or in Alberta, we all share the same air.

We all share the same atmosphere, and we all need to protect it. It should be a priority for all of us and for all levels of government. Should we boycott goods from countries that are expanding their dirty coal? I would say yes.

1010

Has the federal government done enough? The Liberal government signed the Kyoto accord, but their accomplishments were mediocre, with few victories. The new Minister of the Environment, Rona Ambrose, is appearing in front of the environment committee this morning as we speak. I hope she is not in denial. The new Conservative government of Stephen Harper threw in the towel and cancelled good Liberal programs like the EnerGuide program. They are now having second thoughts.

There is a need for real change, and the power to effect this change is here within each one of us. That is where this piece of legislation comes into play. The legislation will proclaim every April 21st to be Climate Change Awareness Day. It is time to take a look at ourselves and our lifestyles and find the ways where we can make the small changes that will make all the difference. The older generations have failed miserably. We have driven our large, single-occupant vehicles to and from work every day for far too long. We have become victims of the consumer culture that thinks little of conservation. We are the ones who have brought the world to

the state it is in now. It is now up to the younger generation to succeed where we have failed. They must change the consumer culture. They must be the conservationists.

I invited several high schools in Orléans to listen to the debate here this morning. I would like to devote the little time I have left to them, since they are the ones who will determine the future of our earth. Climate Change Awareness Day is for you, the youth. You are the ones who can make the difference. You can choose to save the world for you and your children. When you are old enough to drive, remember that you can make the decision about taking public transit instead. When you buy your own home, make sure it is energy-efficient. Buy energy-efficient appliances. Perform an energy audit on your home to discover where you can improve energy efficiency. The more we learn about climate change and the things we can do to help, the easier it will be to change our lifestyles. Eventually it will become second nature, and we won't even have to think about it. These are the types of actions we can discuss every April 21st on Climate Change Awareness Day. We can set targets for ourselves, then each Climate Change Awareness Day we can take a look at our lifestyles and see how far we have come.

It may seem like this is not your problem. You may think that this phenomenon is so great that nothing you can possibly do could make a difference. You are wrong. We need to change drastically if you're going to save this earth for our children to enjoy. As Mr. Glen Murray, chair of the National Round Table on the Environment and the Economy, said on the program *The Passionate Eye* last week, "If we do not act quickly to reduce greenhouse gases, then we can kiss our grandchildren goodbye."

**The Deputy Speaker:** Further debate?

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I am pleased today to rise and speak on the member from Ottawa–Orléans's Bill 139, An Act to make April 21 Climate Change Awareness Day. Let me start off by saying that we certainly support a clean and vibrant environment and that climate change is an issue we have to take seriously in addressing, and I admire the member from Ottawa–Orléans for bringing this forward with the sincerity he does. There are some things, though, that I would like to get on the record that are relevant to this piece of legislation.

It's fitting that we're speaking about an environment-related bill this week, especially coming from the government side of the House, when on Tuesday the Ontario Environmental Commissioner issued an absolutely scathing report on the record of the McGuinty Liberal government and its inaction in almost every area of environmental management, including climate change. What does it say when a climate awareness bill has to be introduced as a private member's bill, when the minister should be introducing a plan—we asked yesterday if she had any details of any kind of plan—to deal with climate change? When the Environmental Commissioner went to search various ministry websites and phoned the Ministry



of the Environment, they said, "Well, there is no official plan." In estimates, the minister said, "It is a priority. It's very critical. But we have no plan." That's very typical of the Liberal government here: Duck and dodge all these questions, all these plans. Do the photo ops. "We're working for a better environment." I think the "granola Premier" was quoted in the paper today—the granola-eating Premier, the eco-Premier—but he hasn't done anything. The Environmental Commissioner has issued several books on their record, and it is government mismanagement, three years of broken promises.

The member for Toronto–Danforth yesterday referred to many of this government's environmental policies as marketing and sales promotion, and he is correct. He has sat with me through many environment committees and the Clean Water Act. He has nailed it right on the head: it's all good talk but no action.

It's great that it has been introduced. It's unfortunate it's as a private member's bill, but obviously the Minister of the Environment does not have any intention of taking the stand that the federal Conservatives are and introducing legislation to deal with climate change and working with the auto industry—working with them. The mixed messages from Premier McGuinty are ridiculous, horrendous. Read the newspapers today and there are quotes on quotes. It doesn't make sense. He's talking one line and doing something else. I certainly hope the member for Ottawa–Orléans is taking this bill further and that they are actually going to move on it, because he may be instigating change that the minister herself is not able to.

There's a lot to take into account when we need to consider the different issues and measures for greenhouse gas emissions. It's not simply declaring the one day. Earlier this year—I think it was in June—I introduced Bill 115, dealing with truck speed limiters, which directly addresses reducing emissions from the hundreds and hundreds of trucks that are travelling down our highways. The proposed bill does reduce fuel consumption by 8,000 litres on the average truck, and reducing fuel consumption directly corresponds to reducing greenhouse gas emissions. The trucking industry has estimated that Bill 115, when brought in, would eliminate 140 kilotonnes of greenhouse gases every year. But my friend from Ottawa–Orléans didn't vote for that bill, and he was not the only one; his own Minister of Health voted against the bill also.

Let's summarize for a moment. On one hand, he's introduced Bill 139, which, in my opinion, is an endearing idea which we will support. On the other hand, he can't feel up to agreeing with environmental experts and the trucking industry to support a bill to reduce fuel consumption and greenhouse gas emissions in this province, which is one of the leading causes of greenhouse gas emissions—far above coal. And you promised to close those coal plants, but then you cancelled that promise. But a bigger contributor to greenhouse gas emissions in this province is from automobiles, and what have you done for that? Well, not much: You've done a bunch of announcements, announced a bunch of

programs. Nothing actually has been implemented. I certainly hope, as I said, that he can move this train of thought up to the cabinet table so we can actually see a plan to deal with climate change, which we haven't before.

Bill 139—making April 21 Climate Change Awareness Day—is an idea that is good. I know that more of my colleagues want to speak to this bill so I'm going to close my remarks and let them move forward with their interesting commentary on this bill. Thank you very much.

**The Deputy Speaker:** Further debate? The member for Trinity–Spadina—no, excuse me. The member for Toronto–Danforth.

**Mr. Peter Tabuns (Toronto–Danforth):** I'm going to get a very large nameplate made. Thank you, Mr. Chair; I appreciate that. "Mr. Chair"—I'm as bad as you, Mr. Speaker.

In the offices of Greenpeace Germany, which are located on the waterfront in Hamburg, in the office of the campaign director is a large black-and-white photograph of Hamburg taken at the end of 1945. I think it's an aerial shot, because it shows ruins as far as you can see; a city destroyed. That is there to remind the people who work in that office what happens when a government, when a nation, goes completely wrong, ignores the reality of the world and, borne on a wave of hubris, believes that it can do whatever it wants.

In my time visiting briefly with the folks who work in that office, I had a chance to talk to Harald Zindler. Harald was born in 1945 in Hamburg. He was the founder of Greenpeace Germany. He was the one who pioneered their work against polluting industries. Harald, interestingly, told me about the response of that generation of Germans born at the end of the war who grew up and, in the early 1960s, in their late teens, came to realize what had happened to their country, what happened when they were children or before they were children. Across Germany, he told me, this is what they would say to their parents; this is what they'd say to their grandparents: "You knew. You knew what was happening. Did you act? Did you do something? Did you try to prevent this catastrophe? No. You knew and you didn't act."

**1020**

In 1993, in Ottawa, the environment committee brought out a report on climate change, and at the time, the chair—a Liberal, a good guy, Charles Caccia—said that climate change was second only to nuclear war as a threat to humanity. Caccia was later sidelined, but he wasn't using hyperbole when he talked about this. Climate change threatens the fabric of our society. It threatens the stability of our society. It is a profound challenge to people on this planet, to the planet itself.

There's a reality here that we know. The MPP from Ottawa–Orléans clearly, from his remarks, knows what's coming. To the students in the high school, many of your parents know what's coming. We know. I've gone on tour with the members of this caucus. They read. They're capable people. They know what's happening in society.



They know. We know. But for those who may be watching who don't know, climate change is predicted to have substantial impact on world food supply. In 1997, the government of Canada published the Canada Country Study, looking province by province, region by region, at what the impact would be of climate change. One of the papers they cited talked about the potential for a 30% reduction in agricultural production in Canada's prairies—one of the bread baskets of the world. In one of the bread baskets of the world, a 30% reduction in agricultural production.

If you look at the third assessment report of the Intergovernmental Panel on Climate Change, they talk about the impact of climate change on world rice production. It's about a 10% decrease in world rice production for each one centigrade degree increase in the world temperature. We're looking at a range of up to five degrees in increase. It could be larger—six degrees. A 60% reduction in world rice production? Do you know what that means in terms of hunger? You know. So I find it extraordinary that we are in a Parliament in a country where knowledge has not resulted in action.

I had an opportunity in 2001 to be at the Kyoto negotiations in Bonn, and I have to tell you, the anger at Canada was palpable. Under a Liberal government, Canada was seen as a renegade. Day after day, people from the environmental movement all over the world would say, "What is Canada doing?" Day after day, it would be beaten, nominated as the fossil of the day because of its role in climate negotiations. In many ways, our speculation was that Canada was acting as a surrogate to the United States. It was not looking after its interests; it was looking after the interests of others. That was speculation. All I can say is that on the floor, dealing with the issues, Canada's role was appalling.

So when you come back to what Canada did at home, you need to go to the very recent report made by the Commissioner of the Environment and Sustainable Development in Ottawa. This was October 3; Johanne Gélinas. She had very simple commentary. "In the course of our audit work, we've tried to answer three basic questions: Is Canada on track to meet its emission reduction obligations? Is Canada ready to adapt to the impact of climate change? Is the government organized and managing well? The answer is no to all three questions."

I have to say I've read the reports from this commissioner over the years. Normally they tend to be understated. I don't think you can get much clearer than that: "No. Not on track; not doing what needs to be done." But she adds—and this was interesting because I had an opportunity for about a year to be a climate change adviser in Ottawa to Jack Layton, so I spent a lot of time reading the reports, a lot of time looking at what the outcome was of the money that was invested to deal with this profound problem. She sums it up pretty well: "Government action has not been well organized or well managed. The government has not defined its leadership role, nor has it identified the responsibilities of each department.

"It has been unable to come up with the basic tools that it needs to measure its progress. Even though more than \$6 billion of funding have been announced since 1997, the government still has no system to track the spending and the results of its climate change ... investment."

They don't know if that \$6 billion had any impact at all. No idea; didn't have a coherent plan. They had a series of really—what can I say?—ambition statements. You'd read the documents and it was like wading through mush. You couldn't find substance.

I have to say that at the federal level, under the leadership of Jean Chrétien and then Paul Martin we saw grand statements; as Mr. McNeely has done today, a recognition, a statement about the scope of the problem. But action? No. My God, have mercy. Action? No. That brings us now to this level of government here in Ontario.

I had an opportunity in estimates a short while ago to question the Minister of the Environment. I asked her, "Is climate change one of the most significant crises facing humanity today?" Her response was, "Absolutely." So I'm going to assume that she wasn't misleading me or misrepresenting herself. She was telling the truth. She thought it was one of the biggest questions facing humanity today. So does she act? Does she have a plan? Does she know where she's going? Does she know when we will have arrived at the point at which we have to arrive? Absolutely not.

Ask her for a plan and you get a song and dance. She knows; oh, yes. She has two children. I have a son. Many of us in this room have children. We have kids who will see the impact over the next few decades, and many of them will say, "You knew."

She knows she has no plan. She is the Minister of the Environment. If anyone has carriage of this file, it's her, but there is no plan. She can't tell us whether she's getting where we need to get to.

You have to look at other validators on the outside. When you look at David Suzuki's report, what does David Suzuki say about Ontario? "No plan." One of the things he noted was that at least there was a commitment with a time frame to shut down the coal-fired electricity plants. Well, as you all know in this House, that one is abandoned. We have an expression of sentiment—"Yeah, we're gonna do something"—but no plan.

Go to the Environmental Commissioner's report that came down the other day. He has a few things to say: "Adapting to a Changing Climate: Neglecting Our Basic Obligations?" He says we haven't done anything to adapt. Do we want to make sure that our electrical system is reliable in a situation where high-level wind storms are going to be far more common, where tornadoes will be far more common? Nope. Are our sewage and waste water systems set up to deal with this? Nope. The Clean Water Act debate, the debate on a clause-by-clause basis: Would the government even entertain an amendment that asks source protection authorities to take climate change into account in their planning? Nope.



The Environmental Commissioner put it very clearly. I was impressed by his wording. All of our planning is based on a climate that no longer exists. That's over, and every day that passes, it's more and more behind us. The world is changing very rapidly, and our response is negligible. The response of the government entrusted by the people in this province to look after them is negligible and negligent. A sustainable transportation system for Ontario: You remove one roadblock but others remain. Transportation, key to the resolution of this problem: no action. Sixty per cent waste diversion: not there. Banning of organics from landfill: not there. When you put food waste in a landfill, it decomposes and produces methane, a radically more powerful greenhouse gas than carbon dioxide. Do we have a plan, commitment, funding? Nope.

1030

Knowledge, but no action. How ethical is that? Ask students in high school and anyone else watching. If you threw tacks on a floor and knew someone was going to walk in and didn't take action to clean them up—you knew they would risk stepping on those tacks—would that be ethical? If you were in charge of a city department and you knew that collapse of an overpass was possible, would it be incumbent on you to take action to ensure that overpasses didn't fall down? Everyone in this room would say yes. No one has a question of that. So when you think the major systems we depend on for food and water are at risk, aren't you compelled on an ethical basis to take action? I think there is an ethical responsibility; I think there's a profound ethical responsibility when you're in this position.

What we do determines—and I know this may sound like hyperbole to some—life and death. If you don't take action on a public health issue, if you don't prepare for an epidemic, people die, and that is because we did or did not take action. We take action on tobacco. People live or die. It matters. What we do in this chamber may seem very, very distant from the day-to-day, but if you've ever visited someone in hospital who has cancer, who's dying, you know you have a responsibility to take whatever steps you can to prevent the spread of cancer. The anti-tobacco movement over the decades has taken that ethical position. If you know something will harm people, if it's clear that you're talking about large numbers, you must act. What we have is a situation today where that simple ethic of acting on the basis of knowledge has been abandoned by this government.

I want to tell everyone here I'm voting in favour of this bill. My hope is that every day, every Climate Change Awareness Day, we get to hold the government of the day accountable for its climate change activities—or inactivities—because the only way, unfortunately, to bring about ethical behaviour is to shine a bright light on those who are responsible for taking action when the power is in their hands. The power is in the hands of this government. Will this government act in an ethical way? Will this government act in a way that will ensure that future generations will have lives that are relatively comfortable, relatively pleasant?

I want to end by saying this: To all those on the government benches, on the opposition benches, on the benches of the third party, we know we must act.

**Mr. Jeff Leal (Peterborough):** I'm pleased to have the opportunity this morning to get a few words on the record in support of the motion from my colleague the member from Ottawa-Orléans.

The preamble of the motion is very important. I'd like to get it in the record. It says:

"Climate change has become a harsh reality of living in Ontario and anywhere on this planet.

"Often characterized by an increase in the average temperature of the Earth's atmosphere and oceans, climate change has in recent decades gone beyond occasional milder winters and scorching-hot summers and has taken on frightening new dimensions with a marked increase in severe, destructive, and often cataclysmic weather."

In my own community of Peterborough, it's interesting to see how weather has changed dramatically. We're all aware of Hurricane Hazel that blew through Ontario in 1954. If you look at the records of the time and the people who were involved in the weather prediction service, the people involved in looking at that very carefully, they concluded at that particular time that this was a very rare occurrence that happened. A number of factors came forward that led to Hurricane Hazel going through our province.

But things have changed dramatically. In my own community of Peterborough, we had a minor flood in 2002, thought to be the famous 100-year storm that only comes every 100 years. Then, on July 15, 2004, in a three-hour period, 200 millimetres of rain fell: the second 100-year storm in two years.

In 2006—I know my colleague from Victoria-Haliburton-Brock has left the chamber—at least two documented tornadoes blew through the northwestern municipalities of Peterborough county, creating unprecedented damage.

In fact, with the 2004 flood that went through Peterborough in that three-hour period, it's estimated that more than \$40 million of damage was left because of that occurrence.

I've come to appreciate the change in climate through my good friend the former member of Parliament from Peterborough, Dr. Peter Adams, who's a professor emeritus at Trent University. His academic career was in the research of ice and snow. He spent many years not only in northern Quebec but in the Yukon and Northwest Territories, and now that he's out of politics, he goes to Nunavut to study changes in ice and snow. Through his academic research, documented extremely well, he came to the conclusion that by looking at changes in the polar ice cap and level of snow, indeed climate change is with us and is something that needs to be addressed fairly aggressively.

One of the areas through which we can address the whole issue of climate change, I believe, is urban design. In fact, looking through the news clippings this morning, there's a leading American urban planning expert who is



praising the provincial government on its Places to Grow strategy, saying that this is the template that should be used throughout North America to encourage orderly urban design, which indirectly relates to better air quality through better use of existing resources within communities.

As a former municipal councillor, I'd like to note that when they were looking at planning new subdivisions, everybody wanted cul-de-sacs, and one of the worst urban designs from an air emissions point of view in terms of servicing are cul-de-sacs. When you look at vehicles that go in from the public works perspective to plow and provide other services, they constantly have to go back and forth and increase fairly dramatically the amount of air pollution that's generated.

It's interesting today that a leading expert in American urban design is praising us for our Places to Grow strategy, a template of how we should look at planning in North America, which is a very positive step forward in terms of dealing with climate change.

In terms of transit, we've gone a long way in providing two cents of the gas tax to provide sustainable long-term support for municipalities in Ontario to allow them to expand their transit operations, to get people out of their vehicles and onto public transit; again, another positive step forward in dealing with problems of air quality.

We know in fact that premature deaths are occurring through air quality and the poorness of the air we breathe. I know, when I was in elementary school, you heard of very few cases of kids suffering from asthma. I know, as I take the opportunity and you take the opportunity, Mr. Speaker, when you're touring elementary schools in the riding of Essex or in my riding of Peterborough, that you take note of the number of young children these days who all have puffers to deal with the problem of asthma directly related to air quality.

The motion we have here today from the member from Ottawa—Orléans—having a specific day encourages all of us in this place to pay more attention, to be more proactive and work together to improve the quality of the air that we all breathe.

**Mr. Ted Arnott (Waterloo—Wellington):** I'm pleased to have this opportunity this morning to speak briefly to Bill 139, An Act to make April 21 Climate Change Awareness Day, which has been brought forward in this House by the member for Ottawa—Orléans. I certainly want to begin by indicating my support in principle for this bill. I think that the member is sincere in terms of bringing forward this idea that we need to do more to promote amongst the people of Ontario the need for greater action to deal with climate change, and that recognizing April 21 each year as Climate Change Awareness Day will to some degree help to move towards that objective.

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We have a number of bills that are brought forward in this Legislature on Thursday mornings that are an effort to symbolically recognize a worthwhile objective or challenge, and certainly this bill falls into that category.

If you look at the bill, there is a fairly lengthy preamble which talks about many of the environmental challenges that mankind faces and that we in Ontario must recognize and attempt to grapple with. I think most of the preamble includes points that most of us would agree with.

I listened to the member for Ottawa—Orléans in his presentation this morning and I would agree with much of what he said. I heard him say, I think, that we are the worst polluters in the world, and I would have to say that I disagree with that statement. I don't believe that Ontario or Canada qualifies as the worst polluter in the world. I think, from what I've read, there are serious environmental problems in many other countries across the world that would be far worse than here. I do agree, though, with the member when he talked about the challenge faced by Ontario in terms of the severe weather that we've encountered in recent years. The member for Peterborough talked about the flood that affected his community in, I think it was, 2005 or 2004. Actually, last year at this time I was raising the need for the provincial government to assist a number of communities in our riding of Waterloo—Wellington because we were dealing with the aftermath and the cleanup of two very severe tornadoes that hit our area in August of last year. So I'm well aware that the provincial government needs to take action to support communities that are affected by these examples of severe weather.

Given that this is Thursday morning and it's private members' business, I don't want to be overly partisan in terms of my response, but I'm sure the member for Ottawa—Orléans would have wished that this report had come out some other week, as opposed to the week that his bill was being presented and discussed in the Legislature. The fact is that the Environmental Commissioner is a non-partisan office. He's an officer of the Legislature. He's appointed by the Legislature as a whole. When you're in government, perhaps you look forward to this report coming out with a little less excitement than the opposition does, but when this report comes out, I think we all have to take it very seriously.

I was glad that the Environmental Commissioner prefaced his report this year with a quote by Prime Minister Winston Churchill from November 1936. It said: "The era of procrastination, of half-measures, of soothing and baffling expedients, of delays, is coming to a close. In its place, we are entering a period of consequences." Of course, I'm sure that Prime Minister Churchill was talking about the threat faced by England from the Nazis, but in this context we have to take this report seriously, obviously.

My colleague the member for Haliburton—Victoria—Brock mentioned the fact that on page 61 of this report the Environmental Commissioner has pointed out that his office contacted the Ministry of the Environment recently, and staff told the Environmental Commissioner "that the ministry does not have a formal written plan or strategy dealing with adaptation to climate change." I'm sure the member for Ottawa—Orléans would want the government to do more, to do better in this area, and the fact that he's brought this bill forward I would hope will



encourage the government to take this action so that it can, in some meaningful way, show its response to the challenge of global change, as a ministry and as a province.

I think it is fair to say that whether you look at it as climate change or global warming, it is a real concern of many people in the province of Ontario. Certainly, it's a huge concern for many people in Waterloo-Wellington; I'm amongst those people. The preponderance of scientific evidence seems to suggest that human activity in recent years is at least accelerating this change, if not a contributing factor. So obviously it's something that we all have to be concerned about, any of us who care about the future—and all of us should, obviously. As a father of three children—my wife and I are obviously very concerned about the world that our children and our grandchildren will inherit. All of us should share this concern, and all of us should be part of the solution.

Again, I would suggest to the member for Ottawa-Orléans that's he's done a good thing today by bringing this bill forward, and this bill has my support.

**Ms. Jennifer F. Mossop (Stoney Creek):** I'm going to take this opportunity to give a shortened version of *The Lorax* by Dr. Seuss. This should prove to be an enjoyable part of private members' time, which I always enjoy. I think it's the best time that we spend in this House, where we actually discuss issues in a more candid and supposedly less partisan manner.

At the far end of town where the Grickle-grass grows  
and the wind smells slow-and-sour when it blows  
and no birds ever sing excepting old crows  
is the Street of the Lifted Lorax....

What was the Lorax?

Any why was it there?

And why was it lifted and taken somewhere  
from the far end of town

where the Grickle-grass grows?

The old Once-ler still lives here.

Ask him. He knows....

Way back in the days when the grass was still green  
and the pond was still wet  
and the clouds were still clean,  
and the song of the Swomee-Swans rang out in  
space...

one morning, I came to this glorious place.

And I first saw the trees! The Truffula Trees!

The bright-coloured tufts of the Truffula Trees!

Mile after mile in the fresh morning breeze.

In no time at all, I had built a small shop.

Then I chopped down a Truffula Tree with one chop.

And with great skilful skill and with great speedy  
speed,

I took the soft tuft. And I knitted a Thneed!

The instant I'd finished, I heard a ga-Zump!

I looked.

I saw something pop out of the stump

of the tree I'd chopped down. It was sort of a man.

Describe him? ... That's hard. I don't know if I can....

The Lorax said,

"Sir! You are crazy with greed.

There is no one on earth  
who would buy that fool Thneed!"

But the very next minute I proved he was wrong.

For, just at that minute, a chap came along,

and he thought that the Thneed I had knitted was  
great.

He happily bought it for three ninety-eight....

And, in no time at all,

in the factory I built,

the whole Once-ler Family

was working full tilt.

We were all knitting Thneeds

just as busy as bees,

to the sound of the chopping

of Truffula Trees....

He snapped, "I'm the Lorax who speaks for the trees  
which you seem to be chopping as fast as you please.

But I'm also in charge of the Brown Bar-ba-loots

who played in the shade in their Bar-ba-loot suits

and happily lived, eating Truffula Fruits.

Now ... thanks to your hacking my trees to the ground,  
there's not enough Truffula Fruit to go 'round'....

"Once-ler!" he cried with a cruffulous croak.

"Once-ler! You're making such smogulous smoke!

My poor Swomee-Swans ... why, they can't sing a  
note!

No one can sing who has smog in his throat....

You're glumping the pond where the Humming-Fish  
hummed!

No more can they hum, for their gills are all gummed.

So I'm sending them off. Oh, their future is dreary.

They'll walk on their fins and get woefully weary  
in search of some water that isn't so smeary"....

I yelled at the Lorax, "Now listen here, Dad!

All you do is yap-yap and say, 'Bad! Bad! Bad!'

Well, I have my rights, sir, and I'm telling you

I intend to go on doing just what I do!

And, for your information, you Lorax, I'm figgering  
on biggering

and biggering and biggering and biggering,

turning more Truffula Trees into Thneeds

which everyone, everyone, everyone, everyone needs!"

And at that very moment, we heard a loud whack!

From outside in the fields came a sickening smack

of an axe on a tree. Then we heard the tree fall.

The very last Truffula Tree of them all!...

And all that the Lorax left here in this mess

was a small pile of rocks, with one word...

'unless.' Whatever that meant, well, I just couldn't  
guess....

"But now," says the Once-ler,

"Now that you're here,

the word of the Lorax seems perfectly clear.

Unless someone like you  
cares a whole awful lot,  
nothing is going to get better.  
It's not."

I have a three-year-old daughter and, like most parents, I can tell you that I adore her with every fibre of my being. She is a delight and I cannot imagine life without her, at least not a life filled with the magic and the sparkle that she provides. But I resisted having children, honestly, for a number of reasons, but chief among them was that I could not imagine bringing someone into this world that is run by a species that is so hell-bent on destroying itself, on destroying this planet and everything and everyone on it. Because what else can you call a species that fouls its nest so, the way we do, the way humans foul their collective nest? We produce enough food in the Western world to feed the entire planet, but we don't; we waste it. We fill our water with our own feces and with toxic chemicals. Then we pull the water from the ground and stick it in bottles, and those plastic bottles then litter our streets and our landfills, despite efforts to recycle.

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When do you suppose we're really, really going to get a grip on the fact that every year in Ontario 2,000 to 5,000 people die of smog-related illness? That's like wiping out an entire town in Ontario every year with the smog we create. Actually, the air in Ontario isn't too bad, compared to other places, and the water is not too bad, compared to other parts of the world, and we do have the land and the climate and the know-how to provide our own food supply, more so than in other parts of the world. Yet we still find excuses not to do enough to protect these oh, so essential resources for our future generations.

So my hope for my daughter is that her natural life expires before our planet does. But at the rate we're going, that's a fairly faint hope. It's not the fault of one political party or one government, and all the politicizing of this issue is not going to solve it; it is every single individual working together and in partnership to actually get the job done, and that's a fact.

So maybe, just maybe, my daughter's generation will take to heart the lesson of the Lorax, as told by Dr. Seuss, more so than the many, many generations before her.

**Mr. Jim Wilson (Simcoe-Grey):** It's nice that everyone likes to get up and say that it's non-partisan in here on Thursday mornings. But I just switched to Thursday mornings, so I'm not quite into that routine yet, as you might discover in the next four minutes.

I think it's commendable, though, that Mr. McNeely has brought forward this particular bill. I think his timing is unfortunate, perhaps for himself. I'm a former Minister of the Environment under the Ernie Eves government, and I've never seen a report, nor would I even contemplate a report, as scathing as what Gord Miller, the Environmental Commissioner, put out yesterday.

In the three minutes I have, I'd just quote from the Windsor Star yesterday. Dave Battagello wrote:

"Ontario's government is failing on nearly every level of environmental management and its residents—today and in the future—will suffer the consequences, a watchdog group has warned.

"Environmental Commissioner of Ontario Gord Miller's annual report called 'Neglecting Our Obligations' says the province has fallen short on climate change, Great Lakes protection, transportation emissions, industrial pollution and keeping drinking water safe.

"There are a lot of things coming down the pipe for needs,' Miller warned. 'The consequences are real if we don't have the resources in place.'

"Solutions must be found in months and not years, he said."

He went on to point out that Ontario has about a \$75-billion annual operating budget and it's only providing \$300 million for the environment ministry under the current government. He notes that we spend far more than that—40 cents of each dollar—on health care and we're only spending a fraction of a cent of each dollar on the Ministry of the Environment.

As politely as I can say, the Liberals, in the 16 years I've been here, always, always said they would out-green, and always pretended to out-green, the Conservatives, and we were always painted—somehow we ran the province wonderfully for 50 of the last 60 years and we had the best place in the world to live, but we were always blamed for not being green enough. We did more for the environment—I'd even note that on the world stage Mr. Mulroney actually got the top award in the world earlier this year for his environmental stewardship, in particular in the area of climate change. So no party has a corner on greening the earth.

I just want to remind Mr. McNeely that his own government record in the last three years is horrible. It's the worst in the history of Ontario at probably the most critical time in our history. The Environmental Commissioner goes on to report that you ain't seen nothing yet in terms of floods and bridges going out and sewers backing up and infrastructure falling apart.

You've had three years. Your own minister kind of hasn't been completely factual about this issue. When asked by our party recently, she said there was a climate change strategy or a strategy for Ontario to do its part to fight global warming. Mr. Miller says he has checked every website that the government has across all ministries and, on page 61 of his report, that he actually specifically asked the Ministry of the Environment if they had a written climate change policy anywhere in government, and you don't.

You promised, as part of your 231 promises, that you would act on this file. I encourage the people who are here this morning to talk to the Premier, talk to the Minister of the Environment, talk to the Minister of Finance and do more. If you live on Georgian Bay or in Wasaga Beach like I do, you see the effects of climate change every day. I call upon Mr. McNeely to not only recognize April 21 as the day when we want to do more



about climate change and make greater awareness, but also to get his own government to act on this very serious issue.

**Mr. John Wilkinson (Perth–Middlesex):** I look forward to entering the debate on behalf of my colleague Mr. McNeely. What I would like to do first of all is praise Phil. I want to say to the students who are here from his riding that they should be proud of him and of the fact that in a private member's bill he has issued a clarion call to this place at this time, when we have a chance to debate an issue free from the constraints of partisan politics. You'll notice that there are certain partisan politics that fall into this place—maybe not everyone is used to Thursday morning just yet, I say to my friend Jim.

But what I want to talk about in the little bit of time I have here is, when I was the age of the children, when I was young, we had a threat, and that was the threat of nuclear annihilation: that we would not slowly kill our planet but swiftly and brutally kill humanity because of crazy, crazy people running the world who thought that the idea of mutually assured destruction would keep us safe. I think that generation—the generation I belong to—has gone a long way to reducing that threat. And now, I say to the new generation, the challenge of the 21st century is, how can we build a society—a just society, a prosperous society, right across this world—and do it in a sustainable fashion? That is the great challenge. I say, and I admit freely, that our generation has not solved that problem.

I look at the report of the Environmental Commissioner—and we appreciate his wonderful work in this regard, because he always calls on us to solve the problem of the day and of the future. What he's saying is that, despite all the work that has been done, that challenge has not been adequately addressed, and that challenge of the 21st century to our young people is, how can we be sustainable? That is the challenge that I believe that generation, with our encouragement and support, will actually meet. I am not a pessimist; I'm an optimist. I want to thank my member for allowing that we will have an annual focus through it

**The Deputy Speaker:** Mr. McNeely, you have two minutes to respond.

**Mr. McNeely:** I'd like to thank all my colleagues who participated in the debate here this morning. It was a great pleasure to have input from Jeff Leal of Peterborough, Jennifer Mossop of Stoney Creek and John Wilkinson of Perth–Middlesex. I also wish to thank the member for Haliburton–Victoria–Brock, the member for Toronto–Danforth, who has a great background in the environment, the member for Waterloo–Wellington and the member for Simcoe–Grey.

I see major changes occurring in our ministries now. I see changes in transportation, energy, the building code, agriculture, with ethanol, the green plan, the Places to Grow. We will close the coal plants. So we are making a lot of progress.

I'd like to read from The Lorax:

"Mister!" he said with a sawdusty sneeze,  
"I am the Lorax. I speak for the trees.  
I speak for the trees, for the trees have no tongues."

I think it's very, very important that we have to be there speaking for the natural environment, because the natural environment is what this is all about.

The challenge ahead of us is much bigger than Sir John A. Macdonald had building the railway from sea to sea. It's much bigger than the US putting a man on the moon. It's much bigger than that. I think that's why it's important to spread the word.

I think some members mentioned that it was not a great time, with the Environmental Commissioner's report coming out. I think it's an ideal time for this issue to come forward. In his report yesterday, the Environmental Commissioner stressed the importance of educating our children about the environment. How can we transform our economy and society so that we can respond to the environmental challenges that are facing us if we raise a generation of ecologically illiterate children? So I think that's one area that is going to be very easy to act on. That is an area that we are acting on, and that must be done. That is what this legislation is all about. A poll shows that only 50% of Canadians are aware of the climate change.

I would just like to read a last quote from The Lorax:

"But now," says the Once-ler,  
"Now that you're here,  
the word of the Lorax seems perfectly clear.  
Unless someone like you  
cares a whole awful lot,  
nothing is going to get better.  
It's not."

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# WORKPLACE SAFETY AND INSURANCE AMENDMENT ACT (BOB SHAW), 2006

## LOI BOB SHAW DE 2006 MODIFIANT LA LOI SUR LA SÉCURITÉ PROFESSIONNELLE ET L'ASSURANCE CONTRE LES ACCIDENTS DU TRAVAIL

Ms. Horwath moved second reading of the following bill:

Bill 111, An Act to amend the Workplace Safety and Insurance Act, 1997 with respect to occupational diseases and injuries of firefighters / Projet de loi 111, Loi modifiant la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail relativement aux maladies professionnelles et aux lésions des pompiers.

**The Deputy Speaker (Mr. Bruce Crozier):** Pursuant to standing order 96, you have up to 10 minutes. The floor is yours.



**Ms. Andrea Horwath (Hamilton East):** I want to start by saying how proud and honoured I am today, as this is my first opportunity as a member of this Legislature to have one of my private member's bills get to second reading debate. It's a bill that any one of the members here in this Legislature would have been proud to bring forward, and I know that. It's a bill that I request all members to support when the time comes, regardless of party. For me personally, it's a bill that brings full-circle a major part of my own political career, because it is so entwined with the fact that I am actually here in this House today. Some would actually even call it karma.

On July 9, 1997, at 7:45 p.m., the city of Hamilton's professional firefighters were called to a blaze that was later labelled the worst environmental disaster in recent memory, an inferno being fed by 400 tonnes of polyvinyl chloride plastics, or PVCs, that raged for four days in the thick of a residential neighbourhood. Firefighters from forces all around pitched in to help. A toxic cloud blackened the sky for days. The falling toxic soot covered the surrounding neighbourhoods for dozens of blocks. Hydrogen chloride, dioxins, benzene, PAHs and metals were some of the toxins firefighters were exposed to during those four days.

Four months later, that November, I ran for Hamilton city council on a platform of being actively involved in solving these kinds of neighbourhood problems. Plastimet was a dangerous stockpile of hundreds of tonnes of plastics. It was a disaster waiting to happen. It was a low point in Hamilton's history. It was a disaster that left an entire community concerned about its health. It was a disaster that to this day takes its toll on firefighters and their loved ones psychologically, emotionally and physically. The blaze has most certainly forever changed our firefighter family in Hamilton.

Captain Bob Shaw, the hero whose name is part of this bill, was one of those firefighters. Captain Shaw, a previously healthy, strong and vital man, succumbed to esophageal cancer less than seven years later, in 2004, having never really obtained his previous level of health. The day of Captain Shaw's funeral was the same day that former member for Hamilton East Dominic Agostino was laid to rest in Hamilton.

I was unable to attend both of those services that day—my obligation and commitment was to the firefighter community—and although I didn't meet Captain Shaw's family until well after winning the Hamilton East by-election, they later thanked me for having been there. That is when I promised Nathan and Jackie Shaw that I would do everything I could to take up the cause of presumptive legislation for firefighters in this province. It was inconceivable to me that their claim had been denied, that they were made to endure the insult of being told that Bob's sacrifice, their sacrifice, had nothing to do with his occupation. The reams of information, studies and evidence that Nathan had put together and the support he had from the Hamilton Professional Fire Fighters Association and the Ontario Professional Fire Fighters Association meant nothing at all. That is why I

am very proud to be here today, asking you to join me in showing our Ontario heroes that not only do we appreciate the dangerous work they do but we are prepared to acknowledge that they are exposed to a toxic mélange of chemicals and poisons throughout their careers as firefighters, and when these exposures result in the dreaded diagnoses of various cancers outlined in section 15.4 of the bill, we no longer will turn our backs on their compensation claims.

Instead, we will reinforce our appreciation for their courage and sacrifice by ensuring that they and their families are not made to fight an undignified final battle with the WSIB for compensation, that their claims for compensation are dealt with expeditiously, with sensitivity and acknowledgement that their ultimate sacrifice was noted, is appreciated, and that they and their families should not be made to suffer through a callous battle with a WSIB like some 300 families are currently doing, adding insult to the injury they sustained from occupational disease.

I want members to be clear: Ontario is lagging behind other jurisdictions. Bill 111 will bring us back to a leadership position in recognizing the link between exposure and occupational disease in firefighters. Ironically, those jurisdictions that have passed Ontario over the past decade or more have relied on some of the irrefutable science amassed here by our very own firefighter organizations in Ontario. Manitoba, Alberta, Saskatchewan, British Columbia and Nova Scotia all recognize the occupational diseases of firefighters. How can they not, when—and I'm quoting now from the OPFFA fact sheet that I provided to members—"firefighters are regularly exposed to burning chemicals and other toxins. There are 70,000 toxic substances on file with the Environmental Protection Agency (EPA) in the US. In reality, when these substances burn together, there are 70 million possible combinations that are created in a fire. Firefighters routinely endure exposure to these burning toxins in the course of protecting the lives and property of their fellow citizens"?

What other specific diseases are outlined in the bill?

"For the purposes of section 15, if a worker who is a firefighter contracts a disease specified in subsection (4), the disease is presumed to be an occupational disease that occurred due to the nature of the worker's employment as a firefighter unless the contrary is shown."

In other words, the onus is on the board to show that it wasn't an occupational exposure that caused the disease, and those diseases are listed: primary-site brain cancer; primary-site bladder cancer; primary-site kidney cancer; primary non-Hodgkin's lymphoma; primary leukemia, including multiple myeloma; primary-site ureter cancer; primary-site colorectal cancer; primary-site lung cancer; primary-site testicular cancer; degenerative neurological disease; primary-site esophageal cancer; primary-site stomach cancer.

The bill also speaks to the propensity for firefighters to suffer heart injuries following the attendance at a fire or an emergency:



"For the purposes of section 13, if a worker who is a firefighter sustains an injury to the heart while attending at a fire or other emergency in the performance of his or her duties as a firefighter, or within 24 hours after so attending, the injury is presumed to be a personal injury by accident arising out of and in the course of the worker's employment as a firefighter," again, "unless the contrary is shown," putting the onus on the board to prove that it was not a workplace injury.

Members, I have provided you with packages of information. The science is clear. In study after study, firefighters are shown to have higher incidences of these cancers—period. Bill 111 is supported by the Ontario Professional Fire Fighters Association, all of their locals and members across this province the Ontario Association of Fire Chiefs; firefighters' families; the general public; editorial boards; and the following municipal councils: Hamilton, Georgina, Pickering, Richmond Hill, Toronto, Kingston, Ottawa, Smiths Falls, Cambridge, Kitchener, Midland, Waterloo, Oakville, Chatham-Kent, London, St. Thomas, Sarnia, Windsor, Sault Ste. Marie, Timmins, Thunder Bay, Amprior, Woolwich township, Coleman township, Loyalist township, the township of Papineau-Cameron, the township of Oro-Medonte and the town of Latchford.

At this past Sunday's annual memorial service to fallen firefighters, the first to be held at the new monument at Queen's Park, practically every Speaker—including the Premier; the Ontario fire marshal, Bernard Moyle; the president of the OPFFA, Fred LeBlanc; and Toronto Mayor David Miller—acknowledged occupational disease as a reason why we were there honouring our fallen firefighters.

We have an historic opportunity to do this again today in a way that they will know we meant it. So, please, join me in supporting Ontario's heroes. I ask you to please support Bill 111 and help me in making sure it becomes the law in the province of Ontario. Heed OPPFA President Fred LeBlanc's words, who says: "I strongly encourage all members of the House to support MPP Andrea Horwath's Bill 111. The legislation reflects what firefighters and their families need to effectively deal with the often tragic circumstances of occupational disease. Our concentration should be put on rehabilitation and prevention, without the worry of proper recognition."  
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I want to thank all of the firefighters and their families from across the province who have contacted me to encourage me to bring this bill forward, particularly in a time of desperate grief: Michelle Adamkowski, who lost her husband, Joe, in May; Rebecca Erskine from Ottawa, who lost her husband, Mark Johnston, in April; and to all of those who have sent letters and e-mails, and I have stacks of them, thank you for your support. It is in the name of Bob Shaw, but we all know there are hundreds of families who will benefit from this legislation. It's the least that we can do to make sure it gets passed.

I want to acknowledge that we have guests here with us today, including the vice-president of the Ontario

Professional Fire Fighters Association, Brian George; I know that Fred LeBlanc was looking to get here but couldn't make it. I see the president of the Hamilton Professional Fire Fighters Association, Henry Watson, is here as well; of course, Jackie and Nathan Shaw, thank you again for being here; Colin Grieve and Paul Atkinson, who are workers' compensation professionals from the Toronto and Hamilton firefighters' associations; and all of the other firefighters who are here. Thank you very much for coming to support the bill.

**The Deputy Speaker:** Further debate?

**Mr. Dave Levac (Brant):** Let me start by saying two things: Number one, I will be supporting this bill, straight up. Number two, I want to extend my deepest sympathies to the families of all of the firefighters who have fallen as a result of diseases and the work that they do day in and day out. I've had the unfortunate opportunity, if you'd call it that, to witness some of these situations, to be a participant in some of these situations, and to indeed attend funerals. Those are things that are not wanted by anybody.

On October 1, I attended the Ontario Firefighters' Memorial ceremony here in Toronto with firefighters from my hometown of Brantford. While at the memorial service, we heard these important words about firefighters' lives:

"The men and women of today's fire service are confronted with a more dangerous work environment than ever before.

"We are forced to continually change our strategies and tactics to accomplish our tasks.

"Our methods may change; the goals remain the same as they were in the past: to save lives and to protect property, sometimes at a terrible cost.

"This is what we do; this is our chosen profession.

"This is the tradition of the firefighter."

In that quote, you did not hear them talk about themselves in terms of putting their lives on the line. It was to save other lives and property.

I was involved with supporting firefighters well before I was elected in 1999. In Brantford, I headed a fundraising initiative to purchase thermal imagers for firefighters so they could have the most modern equipment available to them. We raised over \$150,000 and purchased six thermal imagers for the firefighters of Brantford and Brant county. These tools save precious time while in a situation, reduce the time spent searching for hot spots and people, reduce damage to property and, finally and most importantly, provide them with the potential to save lives. Seconds matter.

While in opposition, I recommended the purchase of thermal imagers for every fire service in Ontario. Our government responded when elected and provided \$30 million to fire services across the province to assist them in purchasing those things. I was also the author of Bill 107, the Firefighters' Memorial Day Act, which passed unanimously in December 2000. Finally, again in opposition, I recommended many of the provisions that eventually became our Bill 206.



I believe that we need to protect those who protect us. One of the most dangerous parts of the firefighter's job is the unknown. When a firefighter does not know what they will face in a given situation—for example, in a brownfield—it makes it more difficult to effectively fight that fire. When brownfield sites are abandoned, as they have been in my riding, many, many unknown chemicals are stored on those sites illegally—sometimes legally—and they do pose a danger if there is a fire. On a personal note, the RCMP showed up to investigate one of the brownfields in my riding because the combination of particular chemicals that were stored there were classified as weapons of mass destruction. That's what firefighters face when we do not take care of this unknown entity.

I support the concept of presumptive legislation for firefighters and will continue to work with the firefighters and all stakeholders on moving Ontario forward. I commend the member from Hamilton East. The bill moves that debate forward.

Both the Minister of Labour and his staff have had, and continue to have, productive discussions with firefighter representatives on diverse issues which are important to them, including presumptive legislation. In fact, the minister asked his parliamentary assistant, Mario Racco, the member from Thornhill, to undertake consultations on this very issue. The member has consulted with, among others, WSIB, the fire marshal, AMO, the city of Toronto and, of course, the firefighters. The minister told me directly that he is in the process of digesting the report and asking for feedback from stakeholders, on top of what we are asking for in this bill today.

We have been working with and continue to work with firefighters to protect them. We understand that this is an important and complex issue.

One point that I would ask the member to understand as we, hopefully, get this to committee, is that if we do pass this bill, retroactivity will take us back to 1915. That's difficult for us to calculate at this time, and I'd like to see us do the research on that.

We are working with firefighters, the WSIB and the fire sector stakeholders to ensure that Ontario is, indeed, the leader when it comes to firefighting and health safety. I look forward to the day when we can say that firefighters are better protected because of the work that this Legislature, this member and the government is doing to protect our firefighters and their families.

The government has also suggested that the Fire Service Section 21 Committee develop guidelines that we will help and try to support. The Ministry of Labour is also participating on the occupational disease working group to help the prevention of occupational diseases and illnesses.

Finally, this is the right thing to do. I ask and urge all of us to support this legislation to continue that very important work of making sure that the families of those who gave up their lives are protected.

**Mr. Jim Wilson (Simcoe-Grey):** As my party's labour critic, I'm pleased to support this legislation. In

talking to members this week, I think all my colleagues who will be here this morning will support this legislation. I want to congratulate the member for Hamilton East, Andrea Horwath, for bringing forward this legislation. She has been tenacious about it. I see it goes back to May, I think, of 2004. It's very good of her to keep fighting on behalf of Ontario's firefighters.

I want to welcome the firefighters and the representatives who are in the galleries today and say that this bill is long overdue. I note that Manitoba, Saskatchewan, British Columbia, Alberta and Nova Scotia have some compensation for some kinds of cancers resulting from exposure during fires.

In the short time I have today, though, I want to congratulate Nathan Shaw. This bill, of course, is named after his father, Bob Shaw. Of course, Mrs. Shaw—Jacqueline—is here today. His is probably one of the best letters I've received in 16 years in this place. It's not only very well written; I'm sure your dad would be very proud of the cause you've taken up in his name. I'm sorry I didn't know your father, but for people at home watching, he fell victim, not too long after the Plastimet fire, to esophageal cancer, which, as Nathan says in his letter, is a horrible disease. I'll read the letter, if the family doesn't mind. It's dated August 23, 2006, to Premier McGuinty.

"Dear Premier McGuinty:

"I write to you on behalf of myself and my mother, Jacqueline, to convey our disappointment towards you and your government for the delay in handling presumptive legislation for firefighters in Ontario.

"On Thursday, May 4, 2006, a private member's bill was introduced in the Legislative Assembly of Ontario by Hamilton East MPP Andrea Horwath entitled Bill 111, Workplace Safety and Insurance Amendment Act (Bob Shaw). On that day, my mother and I were present in the House prior to the bill's introduction.

"Bill 111 is named in my father's honour. Robert N. Shaw was a dedicated firefighter with the city of Hamilton for 27 years. Tragically, he passed away on March 24 of 2004 at the young age of 55 years old. He died from cancer of the esophagus, an occupational disease obtained while fighting the Plastimet fire, a warehouse fire here in Hamilton that burned PVC plastic for four days in 1997. Plastimet has been called one of the worst industrial disasters in North American history. Burning plastics create a huge number of toxic chemicals, including compounds called nitrosamines, which are known to be associated with the development of esophageal cancer. My father was the first to pass away as a result of what happened at that fire, but more men have since gotten ill and died due to their extreme toxic exposure. Medical experts support my father's death as an occupational disease.

**1120**

"Esophageal cancer must be included in presumptive legislation.

"Based on all the facts and expert analysis presented, it is clear to all except the Workplace Safety and Insurance Board ... that my dad's illness was the result of his



job. Whether it be his family physician, his oncologist or a highly respected epidemiologist who specializes in occupational diseases for firefighters—they all support his death as being caused by his job. Esophageal cancer is a horrible disease, and it is devastating that my own province is denying firefighters like my dad who make the ultimate sacrifice.

“Ontario law must catch up to what everyone else has already concluded. Premier, now is your chance to step up and take a position of leadership on the issue of occupational disease for firefighters.

“Bill 111 is a law that ensures Ontario firefighters and their families never again have to suffer the indignity of having their compensation claim denied for a work-related illness. Too many firefighters and their families endure crippling financial, emotional and physical burdens as a result of their occupational disease not being recognized.

“The unjust system of forcing ill workers, their widows or other survivors to prove the cause of illness before the WSIB is wrong. It should not take years and numerous costly appeals for sick firefighters to get the compensation they deserve. Justice delayed is justice denied. Of the 463 compensation claims for work-related illnesses, like my father’s, at the WSIB, almost 300 have been rejected. The injustice must end.

“The science is clear. Full-time firefighters are two to three times more likely to die from cancer than the general population. Increased toxic exposures as a result of their job means an increased risk of contracting cancer. Firefighters are the only occupational group that legally cannot refuse to undertake work that is dangerous and harmful. These heroes obtain occupational disease from their livelihood, not their lifestyles.

“Firefighters and their families are not alone in this call for change. Countless broadcast and print media have weighed in and done reports supporting Bill 111 and the approval of firefighters’ cancer claims. Fifteen municipalities in Ontario have now passed official motions supporting presumptive legislation, with more to come. And momentum continues to grow in the general public, who want the government to treat Ontario firefighters and their families fairly and recognize them properly for the heroes that they are.

“It is time for Ontario to stop trailing other provinces, stop denying firefighters the recognition they deserve, and stop leaving families of fallen firefighters behind. It is time for Ontario to lead.

“Premier, you have before you a tremendous opportunity to bring a sense of closure and fairness to firefighters and their families right across the province. I ask you from the bottom of my heart to do what you know is right.

“Pass Bill 111.

“I ask for the opportunity to meet with you to discuss this issue further. I look forward to your response on this matter, and appreciate your time in reading my letter.”

A thank-you to Nathan Shaw. As I said, I’m sure your dad would be very, very proud of you, as firefighters

should be. I thank you on behalf of my colleagues in my party for working with Andrea to bring this matter forward.

I note, for those who are worried about the financial consequences of this, because they may be notable, when you’ve got 15, 16 municipalities, many of them pay the WSIB premiums on behalf of their firefighters as part of the negotiated agreements. Certainly in volunteer areas like mine—or mostly I have volunteer firefighters in Simcoe–Grey—the local taxpayers foot the bill, and I think they’d be happy to do that. They obviously have expressed that on 15 or 16 occasions through motions from their councils, speaking on behalf of the ratepayers. I think that deals with the financial aspect of this.

I just urge the government to send this to committee so we can find out the cost and iron out the details. But don’t waste time. When I went to the library—I was only there 10 minutes—I got 40 articles on fallen firefighters with occupational diseases who are not being covered right now, or their widows or families are going through a horrendous fight with the WSIB.

I note that an article that was in the Windsor Star, quoting firefighters in Ottawa and the Ontario Professional Fire Fighters Association, said that there’s now a database of some 600 firefighters, many of whom have died since they were put on the database, and that’s sad. We all remember 9/11. Certainly every month in my riding we do something to honour firefighters. As politicians, we’re often opening new stations, renovating, getting equipment or whatever, so there have been lots of occasions since 9/11 to thank our firefighters and to recognize them for the heroes they are. If your house is on fire or you’re in a car accident or whatever, you’re sure glad to see the red trucks pull up and the emergency vehicles come to your rescue and the rescue of your loved ones.

As Ms. Horwath has pointed out and as Nathan pointed out, Ontario professional firefighters have to go in and rescue people. They don’t have the luxury of standing on the sidewalk or at the side of the road letting people die. It’s their job. It’s a sacred oath they take to the people of Ontario, whom they serve. The least we can do is back them up when they get sick and support their families in their time of need.

**Mr. Peter Kormos (Niagara Centre):** I’m pleased and proud to be able to speak in support of this legislation.

People will know that New Democrats Andrea Horwath and Peter Tabuns attended the first firefighters’ memorial service last weekend at the monument that’s been erected to pay tribute to firefighters who have died in the course of serving their community. While those memorial services are important and the establishment of that type of monument is very relevant, I say to you that all of the monuments, all of the memorial services, all of the flowery speeches and platitudes don’t address the tragedy of a firefighter suffering the diseases enumerated here—the cancers.

Let’s take a look at some of them: primary-site brain cancer; esophageal cancer; colorectal cancer. There are



far too many of us who have lived with family members, loved ones, or have neighbours who have suffered these cancers, who know how incredibly tragic, painful and overwhelming they are.

I, for one, am not worried about retroactivity. Dammit, these people don't live a long time. You die when you have these cancers. I'll be damned if I as a member of this Legislature, or any of us, should be putting firefighters or their families in a position where firefighters who suffer these diseases as a result of performing their incredibly valuable and heroic duties on a daily basis should have to spend the rest of their living days not only in pain as a result of the disease they acquired in the course of doing their job, but also with fear that their families might not be cared for once they're gone because they can't establish eligibility for WSIB compensation.

Let's not kid ourselves. This bill is not going to stop firefighters from getting these diseases. They know it. While we should be working along with the firefighting community to ensure that as many, and more and more, devices as can be developed to help safeguard firefighter safety when they're performing their duty are indeed developed and made available to firefighters—that's one thing. Oh, I hear so often in this Legislature that it's one thing to talk about the technology that's available; it's another to make sure that firefighters have it out there. You know what I'm talking about.

This bill isn't going to stop firefighters who, as a result of their exposure to toxins in the course of suppressing a fire, are going to get esophageal cancer, stomach cancer, colorectal cancer or brain cancer, and whose lives are going to be cut oh, so short and whose families are going to be left desperate, who leave behind kids—bright, talented kids—who will fear that they won't be able to go to university or college or pursue the careers that they aspire to because their mom's or dad's death will be unrecognized by a workers' compensation system that will be far less than what it should be without this legislation.

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I want people to know right here and now that New Democrats aren't going to tolerate more studies, more inquiries, more consultations. You have provinces like Saskatchewan, Manitoba, British Columbia and Alberta that have already adopted these standards. There is a need to tinker with some of the language. Let's get it in committee; we'll do committee next week. I tell you, as House leader for this group of dedicated legislators, New Democrats, I will commit myself to having a committee hearing any of the days of the week that the government wants—morning, afternoon or evening. We'll sit to midnight, if need be, to accommodate this bill in committee.

We'll do anything that has to be done to accommodate its passage so that maybe this Christmas, 2006—not 2007, not 2008, not 2009, not 2010, not after firefighters have died and been buried—some families might understand that a parent, a mom or a dad, who suffers one of these diseases as a result of doing their duty will be able

to pass away knowing that there will be some support for their spouse and their children. I encourage speedy support of second reading, speedy accommodation of this bill in committee and speedy entertainment of third reading.

**Mr. Khalil Ramal (London-Fanshawe):** Before I start, I would like to extend my deepest sympathy to the loved ones of those firefighters who have died.

I think this is an important bill. That's why, as my colleague from Brant said, we have nothing else except support on this bill because we recognize as a government, as people of this province, the job, the hard work that firefighters do on our behalf to protect us on a daily basis.

I had the chance last year to visit firefighters stationed in my riding to experience for one day the firefighter's job and how much firefighters face on a daily basis: the heat, the fires, the difficulties when they battle blazes or wildfires, how they climb into high-rise buildings to try to save and rescue victims who got caught in a fire. It's a very difficult job. I want to commend the firefighters across Ontario for the great job they do on behalf of us on a daily basis.

I think as a government we've been working with the firefighters since we got elected. We work with them; we try. We passed the OMERS reforms that protect and give firefighters some kind of supplemental benefit. We also worked to support them by giving them \$30 million as a grant to distribute among 385 Ontario municipalities. And we passed so many different regulations to prevent fires from happening.

Having said that, we're still working with firefighters to address all these issues. I and my colleagues last year attended a seminar at the London Health Sciences Centre, organized by firefighters, to tell us how much firefighters face on a daily basis and how much hazardous material they see and face that will cause some kinds of diseases. That's why we are supporting this bill. Hopefully this bill will go to second reading and third reading and will pass, to give a great indication to firefighters in this province and a recognition of the very hard work they do on behalf of us and of all the people of the province.

It has been mentioned by my colleague across the way and my colleague from Brant how much firefighters face on a daily basis, how they work hard to rescue people in car accidents, how they rescue people in fires, how they go to any environmental disaster to rescue people in very tough weather, very hard conditions. They come for us all the time. I think it is our duty as elected officials to pay them respect by passing this bill and by working with them to address the issues.

As I mentioned, I met a couple of firefighters who contracted an occupational disease last year. They explained to me how much they suffer psychologically and how much their families are suffering from the diseases they contracted from the fires they battled when they were trying to rescue people.

I want to commend the member for Hamilton East for bringing this bill forward. I hope all the members of the



House support her, not just for herself but to support firefighters across the province and recognize the great job they do to protect us and work for us to have a safe environment. I also want to commend the Minister of Labour, who asked his parliamentary assistant to conduct an intensive review to see how we can prevent fires in order to have safe workplaces to protect not just the firefighters but all the workers across the province of Ontario.

I want to support this bill and hopefully all the members of this House will support the bill too.

**Mr. Peter Tabuns (Toronto-Danforth):** I really want to thank the member, Andrea Horwath, for bringing forward this bill. I was at the memorial service this past Sunday at the monument to the firefighters just down here. I know that the firefighters in this province, the firefighters in this community, have made extraordinary sacrifices for us. They put their lives on the line so people can live, so that cities are not destroyed.

We know what happened a century ago in the great fires in Toronto, San Francisco and other places. The ability to control fire, to contain it, is crucial for us. But when people go into a modern fire, they're dealing with problems they didn't have a century ago. They are dealing with an extraordinary range of toxic chemicals mixed and reshaped in novel and unpredictable ways, and it's clear from the statistics that firefighters are dying from the impact of those chemicals. They must not be put in a situation where they have to fight for compensation. There should be no question. They have been extraordinarily generous with us—generous with their heroism, generous with their lives. At the very minimum, we can be fair with them. Adopt the bill put forward by the member and truly show respect and honour for the firefighters in this province.

**Mr. Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** On October 1, 2006, Premier Dalton McGuinty, at a memorial service honouring firefighters, uttered these words: "It takes a special kind of person to crash through a door of a building filled with smoke, to face chemicals that are as dangerous as they are invisible. It takes a special kind of person, one who is prepared to die so that others might live. In a world coloured with so many shades of grey, we don't often speak of heroes. But when danger strikes, when the world is black and white, we need heroes."

Yes indeed, we do need heroes.

On March 24, 2004, Hamilton lost two of its heroes. One was 55-year-old Robert Shaw, a dedicated Hamilton firefighter of some 27 years. According to the medical reports, which of course I have reviewed, Mr. Shaw died from an occupational disease obtained while fighting the famous Plastimet warehouse fire, a fire that burned PVC plastic for four days in 1997.

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Like his father, Harry, who was also a firefighter, Bob Shaw clearly understood the risks associated with his calling, and right up to the time of his death, he wouldn't

complain or cast blame. He simply told his friends, "I was just doing my job."

His wife, Jacqueline, who is with us here this morning, reports that when Bob came back from his first day battling the Plastimet fire, eyes burning and coughing up phlegm, he wouldn't heed her plea to stay home because he "didn't want to let the other guys down."

His son Nathan, in a letter to the Premier, has this to say:

"My dad gave his life for his job. For his case to be rejected in such a way by his own province is indescribable. The WSIB is so powerful and steadfast in their unjust ways that I feel helpless when it comes to challenging their flawed policies in the areas of recognition and compensation for Ontario firefighters.

"You and your government," Mr. Premier, "have done much to honour living firefighters through various policy initiatives. Now it is time to step up and honour those firefighters who are sick, ill, injured or have died tragically like my father.

"I am a 21-year-old university student who no longer has a father. For my own province not to recognize who my dad was, what he did or why he is gone is indescribably painful and wrong.

"I lost my dad, my best friend and my role model. Our community lost a hero.

"I ask you from the bottom of my heart to please do what you know is right."

Friends, while I believe that our government will ultimately move to correct this injustice through government legislation, in the meantime I intend to support this private member initiative, to stand shoulder to shoulder with Jacqueline and Nathan Shaw and with our professional firefighters—

*Interjections.*

**The Deputy Speaker:** Order. Can we take the conversations outside, please? Thank you.

**Mr. McMeekin:** —to ensure that we do more than engrave the names of fallen firefighters on a wall, but also etch their memory in our hearts.

I mentioned two heroes who died on March 24, 2004. The other was my good friend and mentor Dominic Agostino. Dominic repeatedly raised the tragedy of Plastimet and warned of the illnesses that would surely follow. Dominic was a friend of Hamilton but especially the men and women who placed their lives on the line for us every single day. If Dom were with us today, I know he would be standing in his place and speaking out. I'm also sure he would join me in congratulating Nathan Shaw, Bob's son, who has fought a long and difficult battle to win justice for his family.

Nathan, thank you for having the wisdom and the courage to keep at it. Your dad and your granddad would be very proud of you. So am I. Thank you for reminding us that we do need heroes and for being that hero for us today.

**Ms. Cheri DiNovo (Parkdale-High Park):** I first of all want to say thank you to our member, Ms. Horwath. I quote her when she describes the situation in this prov-



ince: "They hang workers out to dry in this province. Firefighters and other workers who contract diseases from exposure to workplace toxins have no protection in this province. That's not only wrong; it's immoral."

I also rise in this House to speak to that morality. My job before being a member here was as a minister at Emmanuel Howard Park United Church in the west end of Toronto. One of our members there is a firefighter: Mark Reynolds. His family are very active in our church—Mark and Carol Reynolds and their children Denis and Charlotte. I know what it's like to be in a congregation that depends on someone like Mark. Whenever we watched the news and saw an incident where Mark would be called out to a fire, such as the one that killed your father, Nathan, we would all, as a body, pray for that family.

I also rise because I lost my husband and the father of my children 14 years ago. He died in a traffic accident, and the first people on that scene to help save him—unfortunately, they were unsuccessful—were firefighters. So I thank you, on behalf of my family, my children, for what your father, Nathan, and your husband, Jacqueline, and other firefighters do for all of us. I don't think there's a member in this House who hasn't dialled 911 and knows that the first people on the scene are the firefighters. We all are indebted to you, and I absolutely urge that Bill 111 be passed as soon as possible.

**The Deputy Speaker:** Further debate? Is someone going to stand up? Waterloo–Wellington, thank you.

**Mr. Ted Arnott (Waterloo–Wellington):** I was standing up, Mr. Speaker.

I'm pleased to have an opportunity to speak briefly on Bill 111, An Act to amend the Workplace Safety and Insurance Act, 1997, with respect to occupational diseases and injuries of firefighters.

This bill has been brought forward, as we know, by the member for Hamilton East. When she brought it forward on May 4 earlier this year, I believe the same day or approximately the same week she had a press conference, which was an effort to raise awareness of this issue. The member deserves credit for her sincere effort to bring forward an important public issue in the Ontario Legislature affecting firefighters.

This bill is an expression intended to amend two rebuttable presumptions relating to health conditions affecting firefighters:

"Subsection 15.1(3) states that if a firefighter gets certain types of cancer or a degenerative neurological disease, the cancer or disease is presumed to be an occupational disease that occurred due to employment as a firefighter. The presumption applies for a cancer or disease if the worker has worked as a firefighter during at least the prescribed period or series of periods.

"Subsection 15.1(7) states that if a firefighter suffers heart damage while attending at a fire or emergency, or within 24 hours after attending at a fire or emergency, the heart damage is presumed to be a personal injury by accident that occurred due to employment as a firefighter."

I have had a number of other things that I've had to do this morning, including a meeting outside of the chamber. So unfortunately, I haven't heard all of the debate, but in a brief conversation that I just had with the member for Brant, it's my understanding that the government is expressing support for this bill in principle and that it's the intention of the government that this bill should go to committee. Certainly, I think that is the appropriate course of action that should be pursued.

I think that what's most important is ensuring that the organizations that are supportive of this bill—I understand that the Ontario Professional Fire Fighters Association is in support and the Ontario Association of Fire Chiefs has expressed support as well—should have the opportunity to bring forward their scientific and medical evidence that demonstrates that these illnesses need to be compensated, that people who have these illnesses or these severe health conditions, and their families—surviving families, in some cases—be compensated appropriately. It's something that I would support.

In fact, I have a private member's resolution that I brought forward a little while ago, and it called upon the government to establish a benefit for the surviving families of any firefighter who loses their life in the course of their duties. It's something that I brought forward some time ago. It's actually before the order paper. I don't have the information right in front of me, unfortunately, but it is on the order paper right now. It is a similar resolution, similar in principle to what the member for Hamilton East is bringing forward: the idea that we owe a great debt to any firefighter—or any emergency responder, I would suggest—who loses their life in the course of their responsibilities protecting the rest of us. Obviously, we have to be prepared and willing to ensure that those families are looked after. That's why I support this bill.

I know there may be some concerns about the cost, and I would expect that, in the course of discussion, there would be an estimate of what this is going to cost. Certainly, I think that's something that needs to be brought forward and discussed. But through the public hearings process, all of the concerns and all the ideas relating to this issue can have a full public discussion, a full airing. I would certainly welcome an opportunity to participate, if possible, if my schedule permits, to some degree in terms of those public hearings and discussions that might take place at a standing committee.

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In closing, I want to express my appreciation to all our firefighters across the province. As you know, Mr. Speaker, I have had an opportunity to raise many issues with respect to the fire service during the 16 years that I've been privileged to sit in this House. In 1994, I brought forward a private member's bill to allow volunteer firefighters to use the flashing green light on their personal vehicle when they're going from home or work to the fire station or to an emergency. That was a bill that was passed by the NDP government while I sat in opposition, something that I very much appreciated.



In the late 1990s, I brought forward legislation with respect to workers' compensation for volunteer firefighters, because there was a need to ensure that municipalities, if they wished, would be given the opportunity to purchase the highest level of workers' compensation coverage for their volunteer firefighters. That bill was brought forward in the Legislature. As it turned out, shortly thereafter, there was an identical government bill standing in the name of the Minister of Labour of the day which was, in fact, passed by the Ontario Legislature into law.

Most of the members will recall the double-hatter firefighter issue, which I've been involved in for some time. I continue to express my personal belief that full-time professional firefighters who may live in a small town nearby should be permitted to serve as volunteer firefighters, protecting their neighbours in their home communities, if they wish to do so. I continue to hold that view very strongly and continue to advocate for it.

Most importantly, this Bill 111 is before us today. Again, certainly it is a bill that I support in principle. I hope that as the bill moves forward for public discussion at committee, all of these issues can be reviewed and that we can do what we can to support our firefighters in the province of Ontario.

**The Deputy Speaker:** I would ask the members present to join me in welcoming, in the members' east gallery, the mayor of Mississauga, Hazel McCallion. Welcome.

The member for Beaches–East York.

**Mr. Michael Prue (Beaches–East York):** I rise in support of my colleague Andrea Horwath's Bill 111. I have to tell you, in the 18 years now that I have been in public life as a councillor, as a mayor, as a megacity councillor and as an MPP, I have never once had a constituent have anything but praise for our fire departments, for the people who work in them and for the service they provide. I have to tell you as well that if there are any heroes that are constant in the public mind, they are firefighters. On those terrible days when a firefighter succumbs at the scene of a fire or an industrial accident or the places where they put their life on the line, everyone in the community mourns, everyone commends and remembers the bravery of the firefighter, and everyone gives thanks that they were willing to, and did, put their lives on the line.

Since the 1990s, we have known only too well that firefighters who go out to fires, particularly to big industrial fires, put their life on the line in more ways than one. We have known that many of them will succumb, unfortunately, to industrial disease. Five provinces have recognized those studies that took place in Ontario. Ontario, sadly, has never recognized its own research. Today, when a firefighter succumbs months, years after a tragedy, there is silence in Ontario. Worse than that, worse than the silence that they experience, is the fact that when they go before the workers' industrial safety board, when they go before WSIB, they are denied something which is absolutely apparent to them and

absolutely apparent to everyone who lives in this province. They have got an occupational disease: and they have got it from their job.

We need to pass this bill into law; we need to do it very quickly. Firefighters are our heroes. They do what no one else will do. They put their lives at risk when no one else will, not only at the scene of the fire but in the events and the days and the months and the years that pass, when they find themselves subject to occupational disease.

**Mr. Gilles Bisson (Timmins–James Bay):** There are moments like this when I stand tall as a New Democrat and am proud to be a New Democrat and to be in a caucus such as one that has people who are prepared to take on the tough issues that face our society. We know that far too often, workers—in this case, firefighters—by way of duty, have died because of exposure to the toxic chemicals they're exposed to as they rush into a fire to save a life and to try to make property safe for those people who live in those communities.

I've got to say to my good friend Andrea Horwath: This is a job well done. It's one that should have been done, unfortunately, a long time ago. There have been attempts, but it looks like you're going to be successful. To you, I tip my hat and say that today I am proud to be a New Democrat and part of a caucus that is able to take on these issues.

I say to other members in the House, I'm hopeful and I believe that all members will vote for this legislation. It's high time. Unfortunately, far too many firefighters have been exposed and continue to be exposed to the toxic chemicals that are in those burning buildings and, as a result, become ill, and eventually some of them succumb to those illnesses.

Actually, on October 18, the Timmins Fire Department, which we all know very well, will be holding a memorial as a result of the death of Tom McGee, who died in 1995 of colon cancer that was related to his exposure to some of those toxic chemicals in a fire he had fought. I'm hoping that I can be there. Unfortunately, it's on one of those duty days when we're here in the Legislature, but I know that our thoughts are with him.

I say to all those families out there who have unfortunately been affected negatively by the illness of a loved one that there is hope in the future. I'm hopeful that this bill will not only pass second reading but will get the support it needs at committee so that it finally can become law and, in the end, give justice to those people who deserve that justice.

To you, as firefighters, I say here today, as a New Democrat, we want to thank you for the support in helping us bring this bill forward and for helping my good friend Andrea Horwath, and we look forward to better times ahead.

**The Deputy Speaker:** Ms. Horwath, you have two minutes to respond.

**Ms. Horwath:** I want to thank the members for Brant, Simcoe–Grey, Niagara Centre, London–Fanshawe, Toronto–Danforth, Parkdale–High Park, Ancaster–



Dundas—Flamborough—Aldershot, Waterloo—Wellington, Beaches—East York and Timmins—James Bay—I hope I didn't miss anybody—for their kind remarks.

I thought I'd use my last two minutes to quote from a document that Nathan Shaw sent in February:

"The WSIB should presume occupational diseases and deaths of firefighters like my father are caused by their exposures to toxic substances. The unjust system of forcing ill workers or their widows and other survivors to prove the cause of illnesses is immoral. Based on all the facts and expert analysis presented, it is clear to all except the WSIB that the esophageal cancer my dad suffered and that killed him was the result of his job. The onus should be on the WSIB to prove it was not."

Later on in the letter, he says:

"It is understood that being in harm's way is part of a firefighter's career. But it is expected those firefighters' families will be taken care of if something tragic does indeed happen. It is horrible enough that I used to worry my dad might not be coming home. Now, after that worry has become reality, my mother and I should not have to also deal with the loss of financial security and our future.

"My dad gave his life for his job. For his case to be rejected in such a way by his own province is indescribable. The WSIB is so powerful and steadfast in their unjust ways that I feel helpless when it comes to challenging their flawed policies in the areas of recognition and compensation for Ontario firefighters."

We're here to tell Nathan that he's not helpless. We're going to fight with you and get this done for the firefighters of Ontario.

In fact, at the memorial service last Sunday, the Premier, talking about the firefighters being memorialized, said, "Each of them was fearless. Each of them died in the line of duty. But it wasn't one fire, in particular, that killed them. It was all the fires. All the smoke. And all the chemicals."

We know that, and we're going to make it better for firefighters and their families in the province.

**The Deputy Speaker:** The time provided for private members' public business has expired.

CLIMATE CHANGE  
AWARENESS DAY ACT, 2006  
LOI DE 2006 SUR LA JOURNÉE  
DE SENSIBILISATION  
AUX CHANGEMENTS CLIMATIQUES

**The Deputy Speaker (Mr. Bruce Crozier):** We will first deal with ballot item number 49, standing in the name of Mr. McNeely.

Mr. McNeely has moved second reading of Bill 139. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 96, Mr. McNeely, this bill will be referred to committee of the whole. Agreed?

**Mr. Phil McNeely (Ottawa—Orléans):** Mr. Speaker, I would like to see this bill referred to the committee on general government.

**The Deputy Speaker:** Mr. McNeely has asked that the bill be referred to the standing committee on general government. Agreed? Agreed.

WORKPLACE SAFETY  
AND INSURANCE AMENDMENT ACT  
(BOB SHAW), 2006

LOI BOB SHAW DE 2006  
MODIFIANT LA LOI SUR LA SÉCURITÉ  
PROFESSIONNELLE ET L'ASSURANCE  
CONTRE LES ACCIDENTS DU TRAVAIL

**The Deputy Speaker (Mr. Bruce Crozier):** We will now deal with ballot item number 50, standing in the name of Ms. Horwath.

Ms. Horwath has moved second reading of Bill 111, An Act to amend the Workplace Safety and Insurance Act, 1997 with respect to occupational diseases and injuries of firefighters. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. Carried.

**Ms. Andrea Horwath (Hamilton East):** Mr. Speaker, I'd like this bill to be referred to the standing committee on general government.

**The Deputy Speaker:** Ms. Horwath has asked that it be referred to the standing committee on general government. Agreed? Agreed.

All matters relating to private members' public business having been dealt with, this House is adjourned until 1:30 of the clock.

*The House recessed from 1201 to 1330.*

MEMBERS' STATEMENTS

GREEN LEGACY PROGRAM

**Mr. Ted Arnott (Waterloo—Wellington):** The Environmental Commissioner of Ontario has issued the McGuinty Liberal government a devastating and damning critique in its annual report to the Legislative Assembly. Entitled Neglecting Our Obligations, this urgent clarion call for action includes 224 pages of constructive suggestions and stern admonishments directed primarily at the provincial government.

It is abundantly clear to the people of Waterloo—Wellington that the protection of our natural environment for the benefit of future generations must be one of the government's highest priorities. Even as this government fails to show leadership, local communities are showing us the way.



A perfect example of local people taking action to protect our environment can be found in Wellington county, with its impressive Green Legacy tree-planting program. Originally launched in 2004 as part of the county's 150th anniversary celebrations, the bold vision, set out by Warden Brad Whitcombe and the county's chief administrative officer, Scott Wilson, was that we'd plant 150,000 trees in Wellington county in one year.

The county formed partnerships with the Grand River Conservation Authority, the Ministry of Natural Resources and the Wellington County Stewardship Council. Working together, they have teamed up with local environmental groups, service clubs, schools, municipalities and private landowners, including farmers. Not only was their ambitious objective of 150,000 trees in 2004 achieved, now they have made it a permanent county program, with 151,000 trees planted in 2005 and 152,000 trees planted in 2006.

I want to again express my sincere appreciation to the hundreds in our county who have made Green Legacy such a success, showing leadership on the environment that the rest of humankind should follow.

#### AL BIRNEY

**Mr. Brad Duguid (Scarborough Centre):** I rise today to pay tribute to a constituent and a friend, John A. Birney, known to most of us as Al. Al Birney passed away quite suddenly last June.

In my city council days, I came to know Al as a devoted husband, father and grandfather. He was involved in his community and concerned with its well-being. But I really got to know Al as a passionate supporter and advocate for the Schizophrenia Society of Ontario. Regrettably, Al came to this role through personal family tragedy.

Every time I drive over the Bloor Street viaduct, I remember Al Birney. Many years ago, as chair of the city of Toronto's community services committee, a proposal came to me for consideration to erect a barrier on the Bloor Street viaduct to prevent suicides. My first thought was that it wouldn't be too effective, but Al Birney, the project's leading advocate, persisted, asking me to read through some of the international research on what have been referred to as "suicide magnets."

He educated myself and many other members of council about the importance of this project, about the impact it would have, about the lives it would save. It eventually went ahead and, as a result, lives indeed have been saved. The barrier now stands as a legacy of the persistence, diligence and passion of Al Birney. In 2002, Al Birney was named as co-recipient of the city of Toronto's Volunteer of the Year Award to acknowledge his incredible efforts.

On behalf of Premier Dalton McGuinty, my colleagues on all sides of the Legislature and myself, I extend our condolences to Al's wife, Kathleen, his children and the entire Birney family. Al will be missed by us all.

#### DIAGNOSTIC SERVICES

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I rise today to tell the people of Ontario that, though the Minister of Health says he's fixing health problems in Ontario, patients continue to suffer.

Recently the minister, in another one of his famous photo ops, proudly stated that the Trenton hospital will be receiving a CAT scanner. The hospital in Belleville has sent back the money you gave them for new CAT scanning equipment, saying that they don't have enough radiologists to deal with the backlog of cases in Belleville. Minister, it is the same group of radiologists in Belleville who will be reading the images coming from the CAT scan in Trenton.

If the minister truly cared and listened to their concerns, he'd know that where they clearly need help is in obtaining radiologists. For a hospital to send back money is an unprecedented move and is indicative of this government's poor planning and its attitude of simply throwing taxpayers' money around with no real plan but to hope it gets them past the next election.

I respect the member from Prince Edward–Hastings. He's a tireless advocate for the people of his riding. I don't blame him for not running again. His own health minister refuses to do what's needed to help patients in Belleville and Trenton.

This government and this minister will say anything or do anything to get elected. The minister likes to cover his failure and his lack of concern for health care in Ontario by trying to be clever and saying that previous DNA makeup has caused the issues which he fails to properly address. I agree that there's clearly a DNA problem, but it's actually the Minister of Health doing nothing about it.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order.

**Mr. Ted Arnott (Waterloo–Wellington):** On a point of order, Mr. Speaker: I was listening to the statement of the member for Haliburton–Victoria–Brock, and I heard him threaten to withdraw health services from her riding because of her statement in this House. That is another example of his abysmal conduct as Minister of Health and Deputy Premier.

*Interjections.*

**The Speaker:** Order.

*Interjections.*

**The Speaker:** Order, the Minister of Agriculture, the member for Waterloo–Wellington and the Minister of Health. We all know that heckling is always out of order, and it is particularly out of order if one is not in their proper seat. I would caution members to not make comments when they're not in their seat.

#### NURSE PRACTITIONERS

**Ms. Shelley Martel (Nickel Belt):** In Ontario today, there are far too many unemployed and underemployed nurse practitioners. Their scope of practice now allows



them to provide many primary health care services that patients need. Applying these skills and expertise benefits all Ontarians, but if nurse practitioners aren't able to work, that's a huge waste of talent, energy and skills in the health care system.

Over nine months ago, I supported an application to establish a nurse practitioner-led clinic for the city of greater Sudbury. In a city with over 20,000 orphaned patients, you'd think the McGuinty Liberal government would be interested in supporting this proposal, especially as the nurse practitioners were going to focus their work in the outlying communities, where primary health care needs are the greatest. This excellent proposal was turned down. There's been no change in the number of orphaned patients. The outlying communities are still underserved. Local nurse practitioners can't get work in their field. There's something wrong with this picture.

On August 9, the Registered Nurses Association of Ontario wrote to Minister Smitherman and said, "This is a tremendous squandering of talent for the individuals who sacrificed much to become qualified for this vital role, for the communal resources that have subsidized their training and, most of all, for the people of Sudbury who are desperately seeking access to primary care."

Doris Grinspun urged the minister to turn his attention to this urgent issue. I too urge the Minister of Health to turn his attention to this matter. We have seven nurse practitioners ready to provide primary health care services to thousands of patients in our area. When will they be able to, and when will patients benefit from their skills and expertise? One has already been forced to leave.

#### PARKINSON'S DISEASE

**Mr. Dave Levac (Brant):** On Sunday, September 24, I participated in SuperWalk for Parkinson's 2006 in Brantford. The SuperWalk raises money for Parkinson's research, and it is something that is near and dear to my heart. My brother was diagnosed at 49 years old and is continuing to fight this dreaded disease. He's a hero in my heart.

Estimates say that 100,000 Canadians are fighting Parkinson's disease, and almost 40,000 of them live here in Ontario. Although Parkinson's has been thought of as a disease of the elderly, as I just said, people are often diagnosed during their most productive years when they are raising families, building careers, caring for aging parents and making significant contributions in their community. People with Parkinson's pay a huge price. They lose their ability to work, to manage simple tasks, to communicate and care for themselves. But the impacts are not borne by the individual alone. Spouses and partners and children become caregivers, so that their focus shifts away from their own goals and aspirations towards helping their loved ones fight this insidious disease, which they do lovingly and without hesitation.

Management of Parkinson's disease involves coordination of efforts of family members, along with multi-disciplinary teams from health professionals. Effective

management of Parkinson's requires an integrated system of care for the highest possible quality of life.

The number of Ontarians with Parkinson's disease is expected to increase significantly over the coming years. We need to do all that we can to help families that have people with Parkinson's.

1340

#### MINISTER'S COMMENTS

**Mr. Robert W. Runciman (Leeds-Grenville):** Yesterday I asked the Premier to require an appropriate apology from his Minister of Northern Development for scurrilous comments made in this House on October 3. My question followed an offensive and superficial apology from the minister that trivialized the situation and the serious nature of his insult. The minister did not explain the reason for the apology, did not offer to withdraw his offensive comment, and then went on to trivialize the issue by extending birthday greetings to a family member. In response to my question, the Premier indicated that the minister had apologized personally to my leader, John Tory, and myself, and that was good enough for him.

The minister did not apologize to either Mr. Tory or myself. He simply said, "I made a dumb comment." That's a statement of fact, not an apology. When a minister of the crown can say something like "Tories abuse children" and not be compelled to appropriately apologize by his leader, that speaks volumes about his government and his party.

The Premier endorsed vicious personal attacks in the recent Parkdale-High Park by-election, politics through character assassination, and recently promoted his chief mudslinger, the Minister of Health, to Deputy Premier status.

The Premier's own words and actions encourage comment like those spewn by the Minister of Northern Development, and it reflects badly on all members of this assembly.

#### YOUTH SERVICES

**Mr. Bas Balkissoon (Scarborough-Rouge River):** Let me take this opportunity to report about wonderful things that have happened to young people in my riding of Scarborough-Rouge River.

The Malvern community was identified by the United Way as an underserved neighbourhood in need of programs to help youth at risk. This past summer, 87 youth from the Malvern area had the privilege to participate in the Ministry of Children and Youth Services' summer jobs for youth program. They served in many leadership and confidence-boosting roles such as camp counsellors, office staff and computer technicians. These opportunities helped them develop self-esteem and acquire new skills. This program has proven to be tremendously successful for these youths. And there is more to report.

The Malvern Family Resource Centre welcomed two outreach workers supported by the Ministry of Children



and Youth Services' new youth outreach worker program. This initiative gave the centre a one-year budget of \$128,000 to fund two outreach workers who are focusing on outreach services for highly at-risk youth in Malvern.

Recent government-funded projects and programs such as these are working in my community. They are giving our young people chances to succeed.

Focusing on education and investing in youth programs has brought meaning back into the lives of troubled and neglected youth. Clearly, this government has taken steps in the right direction.

The residents of Scarborough–Rouge River and I send thanks and praise for recognizing youth as a priority—

**The Speaker (Hon. Michael A. Brown):** Thank you.

### WORLD TEACHERS' DAY

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** Today is World Teachers' Day, and it is my pleasure to rise in the House to mark this important occasion. This year's theme is "Quality Teachers for Quality Education," and I offer my sincerest congratulations and thanks to the many teachers who work so hard to make Ontario's education system among the best in the world.

Certainly the teaching profession is very near and dear to me, having spent over 32 years teaching elementary school in my riding of Stormont–Dundas–Charlottenburgh. It was during those years that I had the privilege of teaching and connecting with some of the finest young people in the province. They came from all backgrounds and walks of life, and I stay in touch with many of them to this day. I can say that nothing gives me greater pleasure than to connect with them and to see them succeed and find happiness.

The best teachers provide our children not only with the necessary skills in subjects like languages, math and history, but they inspire a thirst for knowledge that fuels their learning and development over a lifetime. As the Greek philosopher Plutarch once said, "The mind is not a vessel to be filled, but a fire to be ignited."

Today is also a day to celebrate the achievements we have made in education since forming a government in 2003. It is with the hard work and dedication of teachers that we have been able to get class sizes down, test scores up and more students graduating. We have made success this year and in past years and we shall continue to do so in the future.

### HOSPITAL SERVICES

**Mr. John Milloy (Kitchener Centre):** I rise today to speak about the McGuinty government's partnership with Grand River Hospital in my community of Kitchener-Waterloo. The McGuinty government and the Ministry of Health are pleased to announce that the people of Kitchener-Waterloo can count on increased stability in the ER at Grand River Hospital. As a result of tremendous hard work, the ER will be staying open.

At the same time, the government is working together with the Ontario Medical Association to stabilize emergency rooms across the province. Through the mechanism of the Physician Services Committee, the government and the Ontario Medical Association, we are working to make sure the appropriate conditions exist to not just keep ERs open, but to ensure stable coverage to meet the needs of our patients. They will be looking to innovative models of care employed in ERs across the province, such as at St. Joseph's, which is an example of the system helping the system, that will lead to better care in the emergency room. We are bringing in the leadership of Tom Closson, the former CEO of the University Health Network to look at emergency medicine in the entire Kitchener-Waterloo area.

I am proud to be part of a government that's committed to working with its partners in the health care system. I want to congratulate and thank the Premier, the Minister of Health, the leadership at Grand River Hospital, as well as doctors, nurses and other medical personnel who work so hard to provide medical care in my community.

### INTRODUCTION OF BILLS

#### LEGISLATIVE ASSEMBLY AMENDMENT ACT, 2006

#### LOI DE 2006 MODIFIANT LA LOI SUR L'ASSEMBLÉE LÉGISLATIVE

**Mr. Kormos** moved first reading of the following bill:

Bill 144, An Act to amend the Legislative Assembly Act respecting severance for members who resign /  
Projet de loi 144, Loi modifiant la Loi sur l'Assemblée législative en ce qui a trait à l'allocation de départ des députés en cas de démission.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House the motion carry? Carried.

The member may wish to make a brief statement.

**Mr. Peter Kormos (Niagara Centre):** This bill repeals and replaces subsection 69(2) of the Legislative Assembly Act with new provisions specifying that a member is only entitled to a severance allowance on resignation if he or she is incapable of carrying out his or her duties. The burden of proving that he or she meets the entitlement to severance rests with the member.

### STATEMENTS BY THE MINISTRY AND RESPONSES

#### WORLD TEACHERS' DAY

#### JOURNÉE MONDIALE DES ENSEIGNANTS

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I rise on this day, World



Teachers' Day, for three very good reasons. The first is, if I don't I'm going to be in a lot of trouble when I get home tonight. It's simply too cold to spend the night in the garage. My wife Terri is a teacher, and an excellent one at that, and if I failed to recognize her work and the work of so many talented teachers like her, I would deserve the detention she would undoubtedly give me.

The second is simply, and most importantly, our children. There is a saying that captures the joy and angst that comes with parenthood, and it goes like this: "To be a parent is to forever have your heart go walking outside of your body." Every single day, we parents entrust what we treasure most of all in this world, our children, and our hopes and our dreams and ambitions for them, to our teachers, and it gives us great comfort to know that our heart is in good and caring hands.

1350

The third reason I stand before you today is clearly our teachers. An author by the name of Henry Adams once said, "A teacher affects eternity; he can never tell where his influence will end." I am sure that each and every one of us in this House can recall a teacher who profoundly touched our lives.

Je me rappelle mon enseignante de cinquième année, M<sup>me</sup> Guillet. M<sup>me</sup> Guillet a pris les rênes d'une classe de jeunes garçons indisciplinés et particulièrement actifs et elle a fait des miracles. Elle nous maintenait à l'ordre et elle nous a littéralement fait chanter le même refrain. Mais plus que cela, elle nous a fait partager sa passion pour la musique, qui faisait en sorte que l'on voulait chanter avec le même empressement que l'on réservait à nos joutes de hockey sur la patinoire dans la cour d'école.

I was saying that in particular I remember my grade 5 teacher, Madame Guillet. Madame took a class of unruly, rambunctious 10-year-old boys and worked nothing short of miracles. She kept us in line, and she literally got us all singing from the same songbook. But more than that, she shared with us a passion for music that made us look forward to singing with a joy that we had reserved, until then, for hockey in winter on the schoolyard rink.

Today, when I hear a song I enjoy, I can't help but think of the teacher who so enjoyed song. You see, as much as our teachers teach, and teach well, the fact is, they do so much more: They coach and mentor, lead and illuminate, enable and encourage, include and inspire.

Most of all, they are purveyors of hope: hope for a brighter future, hope for a stronger society. It's been said that teaching is the single greatest act of optimism. A cynic can never be a great teacher, because cynicism is corrosive and great teachers are creative. A pessimist can never be a great teacher, because pessimism only sees limits while great teachers see only potential. And a defeatist can never be a great teacher, because defeatism knows only how give up the fight, and great teachers never, ever, give up on a child.

Notre province est une province qui compte de remarquables enseignantes et enseignants. Je sais cela parce que, lorsque nous avons offert à nos enseignants une formation améliorée sur une base optionnelle et selon

leur horaire, ils ont rempli les lieux. Je sais cela parce que, lorsque nous leur avons demandé de s'adapter au changement et de travailler avec nous au nom de nos enfants, ils ont accepté avec un esprit ouvert et un extraordinaire professionnalisme.

Our province is a province of great teachers. I know that because when we offered our teachers enhanced training on an optional basis and on their own time, they packed the place. In fact, 17,000 Ontario teachers have pursued optional training.

I know that our province is a province of great teachers because when we asked them to embrace change and work with us on behalf of our kids, they met us with open minds and tremendous professionalism. I know that because we set the bar high for student achievement, and student performance is improving year after year. But I know that most of all because, while governments can be transient, policies can be temporary and politics are almost always volatile, Ontario teachers' commitment to our kids is a constant.

I want to end with a final quotation, and it's this: "To learn, and never be filled, is wisdom. But to teach, and never be weary, is love." So on behalf of all Ontarians, I thank our teachers for passing on wisdom, of course, but most of all, for sharing their love.

**Hon. Kathleen O. Wynne (Minister of Education):** I rise in the House today on World Teachers' Day to echo the Premier's comments about the hard work and determination of Ontario teachers. I see teachers as the single most important influence, apart from family, in shaping the future of our children and our province.

Each of us, I know, can remember a teacher who influenced our life, offered advice, supported at a critical moment or became a touchstone throughout our life's journey. Personally, I remember several teachers—and a special mention to Bonnie Parkhill and Jim Reid—who taught me during my youth to be strong, focused and a team player at Richmond Hill High School.

Ces personnes m'ont poussée à relire et à peaufiner mes rédactions, elles m'ont encouragée lorsque je m'entraînais sur la piste de course et elles m'ont aidée lorsque je butais sur un problème de chimie.

They also inspired me to become an ESL adult teacher and a lifelong advocate for public education.

Teachers are a beacon for students, all of whom need guidance, support and encouragement.

I was fortunate enough today to have lunch with the teachers recognized by the Ontario Teachers' Federation as our province's finest. I'm proud to welcome them to the members' gallery:

Mohini Basran is a reading recovery and ESL teacher in Mississauga who has demonstrated exceptional leadership in helping immigrant students and their families overcome cultural and language barriers.

*Interjections.*

**Hon. Ms. Wynne:** I know the people on the opposite side of the floor would like to hear these names.

Yvonne Dufault is a French immersion, ESL and special education teacher in Markham who engages students using music, crafts and technology.



Elaine Ireland is a grade 2 teacher in Smiths Falls who gets her students to share stories with children, or e-pals, from other parts of the world.

Finally, Gregg Lee is a high school business and hospitality teacher in Mississauga who brings to the classroom a passion for business and a focus on social responsibility and diversity.

To all of you, and to the more than 120,000 teachers across our province, I have two simple but profound words: Thank you.

I also had the privilege this morning to visit with teachers and students at Blythwood public school in Toronto. Last year, those teachers helped 96% of their grade 6 students achieve the provincial standard in reading, writing and math. That's a 10% increase from 2002-03. I know they won't be satisfied until every student makes the grade.

The Premier and I regularly visit schools to talk with teachers about the needs, challenges and opportunities facing today's students. We want all provincial politicians to gain the same insight into education, so, for the sixth year in a row, we're challenging all MPPs to head back to the classroom for a day. We encourage MPPs to participate in school activities, talk with parents, teachers and students, and then report their experiences to their communities and to this Legislature.

Let me conclude by thanking all teachers in Ontario who are working with us to transform our public education system into the best in the world.

Je remercie en particulier toutes les jeunes femmes et tous les jeunes hommes qui entament leur carrière dans l'enseignement. Nous avons besoin de vous. Notre avenir est entre vos mains.

With the help of more than 120,000 public school teachers in Ontario, we will reach every student.

## FIRE PREVENTION WEEK

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** I rise today to mark the upcoming Fire Prevention Week 2006. Fire Prevention Week offers us a great opportunity to raise the profile of fire safety and ways we can help prevent fires. This year, Fire Prevention Week runs from October 8 to October 14.

I would like to take a moment to remind Ontarians that fire prevention is everyone's responsibility—the fire service cannot do it alone.

Fire Prevention Week has its roots in the great Chicago fire of 1871, which killed 250 people and destroyed more than 17,000 buildings.

1400

To better educate the public about fire safety and prevention, fire safety organizations across North America began Fire Prevention Week in 1922. Each year, a new focus is added, and this year's theme, "Prevent Cooking Fires—Watch What You Heat," is a significant and timely one.

While fires can start anywhere in our homes, they often begin in the kitchen with the stove or the oven. In our fast-paced society, it is very easy to be distracted while cooking, by a knock on the door or a ringing telephone. It is in these precious few seconds when we're not paying attention that fires can start and spread throughout our homes.

It's not surprising that cooking is ranked as the number one cause of preventable home fires in Ontario. These fires result in death, serious injury and major property damage. Simple things like remembering to turn off the stove and not leaving cooking food unattended, even for short periods, will go a long way in protecting our homes.

Despite our best efforts, fires do happen, and we must ensure that Ontario's fire service has the tools it needs to keep our communities safe. That is why the McGuinty government has provided municipalities with an unprecedented \$30 million in one-time funding through the Ontario fire service grant for training and equipment, as well as fire prevention and public education. No previous government has made such a significant investment in over 20 years.

Working smoke alarms are another great tool to help prevent home fires. The McGuinty government amended the Ontario fire code to require that all Ontario homes have working smoke alarms on every storey, as well as outside all sleeping areas. This new regulation means safer homes and safer communities.

We are providing more resources and more tools to fire services, because we are on the side of Ontario families concerned about safety, and one of the best tools to help prevent fire is education. Fire Prevention Week is an excellent opportunity for Ontarians to learn first-hand from firefighters about what they can all do to promote fire safety and prevent fires at home.

Thanks to the work of Ontario's fire service, the rate of fire fatalities in Ontario has fallen by 43% over the past 10 years. Last year, there were 85 fire fatalities in Ontario. This is the lowest number in the past 10 years. But, despite our success, we cannot afford to rest on our laurels. Even one death is one too many.

I urge all members of the House to join us in spreading the word to their constituents during Fire Prevention Week that the best way to prevent cooking fires is to "watch what you heat."

## WORLD TEACHERS' DAY

**Mr. John Tory (Leader of the Opposition):** I'm delighted to rise as the leader of the Ontario Progressive Conservative Party and speak on behalf of our party in acknowledging World Teachers' Day. In fact, this is the first time in my relatively brief tenure as a member of the Legislature that I've had an opportunity to comment on teachers and on the teaching profession.

I want to associate myself with many of the comments made by the Premier with respect to the crucial importance of this profession and its members; and I want to



join the Minister of Education in recognizing some of the very special teachers who are here today, who have been recognized for their excellence in their profession.

I think the Premier is right when he says that all of us have had at least one teacher who had a significant impact on our lives, and we remember the impact that teacher had on our lives.

Indeed, I recall former Premier William Davis—who is my political mentor—often saying that if you look behind or around or beside every person who has carved out a track record of success in any field, there will be at least one teacher who played a leading role in helping to make that happen. I think the statements made by both the current Premier and the former Premier are correct.

Since I entered provincial politics, I have tried to learn more about the profession, the people in it and the very special challenges faced by teachers. Indeed, I have taken the advice, proffered again today to all members of the Legislature by the minister, to go to schools and to watch what the children do, what happens in the classroom and what the teachers do. Each time I visit a school and sit in a classroom and watch, I'm repeatedly struck by the difficulty, by the challenge, of the job—trying to take a diverse group of young people, each one with their own talents and abilities, some with special challenges of one kind or another—and somehow the teachers have to find a way to address each one of those individuals and their needs but at the same time to fill the needs of the class as a whole.

I recall, for example, being in an east-end Toronto special education class last spring and watching the teachers tend with such care and such devotion to the needs of the students. There were only a few students in the class.

I was invited to be at a backyard gathering of a class, during the summertime, with their teacher and the educational assistant. I was invited there because the child of the host family was autistic. To watch the devotion going both ways, between the teacher and the educational assistant and between the student and the teacher, was something that was remarkable to see.

I've also taken note of the contributions teachers make beyond the classroom, and indeed it is often here that the impact can be even more profound than in the classroom, as important a place as that might be. Giving that bit of encouragement or advice or guidance or helping to nurture an athletic or an artistic talent or providing some comfort when things may be difficult at home—these are all things that go well beyond reading and writing and arithmetic in developing well-rounded and well-grounded and stable young people.

I sometimes think we've put too much pressure on teachers; that more of that comfort and guidance and advice should be provided, perhaps, at home. In that case, maybe we've come to rely on teachers too much for what they can do.

The other thing that convinces me completely of the real dedication of teachers to their students is the degree to which they remember and care about their students

long after they have left and moved on in life. I run into teachers who taught each of our four children at the very same Blythwood public school that the minister was at this morning, and they remember them by name, they remember some of the trouble they caused, they remember some of the abilities and special qualities that they had. I'm amazed, given the fact that since that time hundreds of students have passed through those classrooms, that they remember our kids as individuals.

**Mr. Dave Levac (Brant):** They never forget them.

**Mr. Tory:** I'm sure that's true.

Indeed, soon after standing as a candidate for public office, I received a phone call from my grade 1 teacher, Ms. Helen Faulkner. I can still picture what she looked like in those days, although I never saw her again. She called to say how she had been watching my career. I thought how remarkable it was that she would remember, although it may well be that some members opposite would think it was because I was one of her more spectacular failures, but I hope not.

There will be days when there'll be differences of opinion between the teaching profession or individual teachers and the government or the school board or even parents, for that matter—we've all been to those parents' nights where there seemed to be parents who thought they knew more about teaching than the teachers did—but those differences must never take away from the gratitude that we have for the profession as a whole or for individual teachers. It should never cause us to waver in our belief that teachers always bring that special combination of professionalism and experience and affection and ambition for their students to bear on the job, even when they have policy differences with one authority or another. That is because they are professionals.

So, beyond gratitude, I want the members of the teaching profession to know that they have my respect and they will at all times have my respect for what they are, for who they are and for what they do.

**Mr. Rosario Marchese (Trinity-Spadina):** I want to spend one minute to praise teachers on World Teachers' Day, and then I'm going to spend four minutes to attack the government, the Premier and the Minister of Education on the issue of education. I know it seems disproportionate, but I think teachers will see that the division of time is well-deserved.

I've got to tell you, a whole lot of people believe that teachers do a very, very difficult job, today more than ever, because teachers are asked to do many things, not just to educate. They're often surrogate parents, they are often counsellors and psychologists, and they're often policemen and women, and that job, that task, which has become multiple tasks, is getting more and more difficult by the day. That's why, in the past, I have referred to teachers as heroes—because they do a very difficult job.

**1410**

I remember Ms. Lewis in grade 2. When I came from Italy, they put me in grade 3, but because I couldn't speak a word of English and because I didn't understand what the teacher was asking me, they put me in grade



2—the same day. It happens with so many poor immigrants; it's really depressing to think about. But I was fortunate enough to be in Ms. Lewis's class, because she was the most extraordinary person that I have ever met as a teacher and helped me unlike anyone else. I remember her bringing Bad Boy T-shirts to our home: Mel Lastman Bad Boy T-shirts. I couldn't believe it. She took us—and me—to High Park. She was an exemplary teacher who made a profound difference. So yes, I have, as do New Democrats, profound respect for teachers.

There is a lot to say about education that this government doesn't talk about. Oh, yes, they talk about the fact that teachers are doing a great job of improving the test scores, but they're doing that because the government has been able to manufacture it in such a way that the results are what they want. They have manipulated the tests by allowing young kids to use calculators; by allowing young kids to have the full day, if they need it, to do the test; by giving them a whole lot more multiple choice questions; by allowing the tests to be easier; and by giving teachers, over the years, the opportunity to teach to the test. So inevitably—and you teachers know this—you're going to get the result that McGuinty wants. Next year, the results will be better, and year in and year out.

What the government doesn't talk about—because he wants to reduce his accomplishments to three things. He wants to reduce class size in grades 1, 2 and 3. But he doesn't want to talk about grades 4, 5, 6, 7 and 8. He says that you can track class sizes in grades 1, 2 and 3, but can you track class sizes in grades 4, 5, 6, 7 and 8? Is it on the Web? How come we can't have tracking for grades 4, 5, 6, 7 and 8? Because we claim, as we know from teachers we talk to, that class sizes have jumped up.

And what about ESL? By the way, think about this: The Premier is the education Premier. ESL needs have grown under the Liberal government, and we have fewer ESL teachers under a Liberal administration. Special-ed needs are growing. I remember mon ami Kennedy saying we had 40,000 students on a waiting list waiting to be identified. There are still 40,000 kids waiting to be identified under the Liberals. Autism continues to be a problem under the Liberals. The block funding they are about to give to our schools will not meet the needs of special-ed kids, and I wager that \$500 million will be taken out of the educational system from the special-ed budget.

What about transportation? We've been waiting for a new funding formula for transportation—waiting, still waiting. We have nothing.

On the capital needs: Schools, even crumbling schools, are waiting to fix their schools but are not getting the money for it. We're waiting for music teachers, art teachers, guidance teachers, librarians. We don't have them under a Liberal administration. It isn't good enough just to be a little better than the Conservative Party; you've got to raise the bar a little higher. As one trustee in the Catholic board said in relation to the Conservatives' flawed funding formula, when you send in a hangman—as you're about to do in Peel—it doesn't matter whether he is sent by the Conservatives or

Liberals, whether he is well shaven or not; the result is the same. They're going to have to make program cuts, and we attack those cuts.

#### VISITOR

**Ms. Monique M. Smith (Nipissing):** I think it's only appropriate on World Teachers' Day that I ask my colleagues in the House to help me welcome a legend in teaching in my area, a retired teacher and principal, Mr. Garth Goodhew, who's visiting with us today.

#### RELEASE OF PUBLIC ACCOUNTS

**The Speaker (Hon. Michael A. Brown):** On September 25, 2006, the member for Leeds–Grenville, Mr. Runciman, rose on a point of order concerning the circumstances surrounding the release of the 2005–06 public accounts during the summer recess. The member indicated that these circumstances amounted to a contempt of the House because the scrutiny and oversight function of the House and the standing committee on public accounts, one of the pillars of the convention of responsible government, was frustrated by the process surrounding the release of, and briefing on, the public accounts on August 24, 2006, a day when the House was not sitting.

The member for Niagara Centre, Mr. Kormos, and the Minister of Finance, Mr. Sorbara, also spoke to the matter.

Having had an opportunity to review the Hansard for the day, the written submissions of the member for Leeds–Grenville and the Minister of Finance, the standing orders and the parliamentary precedents and authorities, I am now ready to rule on the matter.

The member for Leeds–Grenville argued that:

“[T]he Minister of Finance usurped the role and responsibilities of the broader membership of this assembly and the membership of the standing committee on public accounts. Indeed, this instance interferes profoundly with the role of the Legislative Assembly and its officers in a system of responsible government.

“Providing access to public accounts to the media first to the exclusion of elected members of this assembly and denying elected members the same briefing afforded the media was not only unhelpful, it was a disrespectful offence to the authority and dignity of this House and represents a contempt of the Legislature.”

That is what the member for Leeds–Grenville said.

Before considering whether a *prima facie* case of contempt has been established, I want to say a few words about the orderliness of what happened on August 24, 2006. On that day, the public accounts were filed with the Clerk's office, pursuant to subsection 13(3) of the Ministry of Treasury and Economics Act and standing order 39(a).

Subsection 13(3) of the Ministry of Treasury and Economics Act states that the Treasurer has 180 days after the fiscal year-end to submit the public accounts to the



Lieutenant Governor in Council. The act does not empower the House or the Speaker to set the submission date within the 180-day time frame, or to conclude that the government should have selected a different submission date. Under the act, if the assembly is in session on the day that the public accounts are ready to be laid before the assembly, then the Lieutenant Governor in Council lays them before the assembly. If, however, the assembly is not in session when the public accounts are ready to be laid before the assembly, then the Lieutenant Governor in Council makes them available to the public and lays them before the assembly pursuant to a different procedure. In the case at hand, August 24 was not a day on which the House was sitting, but it was in session, and so only the "in session" procedure could be invoked on this day.

But how can the public accounts, or any document for that matter, be tabled on a day on which the House is not actually sitting? Standing order 39 provides the answer to this question. It specifies a mechanism whereby such documents can be tabled, regardless of whether or not the day of tabling is a sitting day. That standing order reads as follows:

"39(a) Reports, returns and other documents required to be laid before the House by any act of the assembly or under any standing order or resolution of the House, or that any minister wishes to present to the House, may be deposited with the Clerk of the House, whether or not on a sessional day, and such report, return or other document shall be deemed for all purposes to have been presented to or laid before the House. A record of any such document shall be entered in the Votes and Proceedings on the day it is filed except that where it is filed on a day that is not a sessional day, it shall be entered into the Votes and Proceedings of the next sessional day.

"(b) The minister concerned shall distribute copies of all reports to all members of the House and copies of any background material to the critics of the recognized opposition parties."

Standing order 39(a), then, provides for the tabling of a document with the Clerk's office instead of within the House, and such a tabling is as valid as if it were done in the House. Therefore, when the public accounts were filed with the Clerk's office on August 24, they became sessional paper no. 242, and this was duly noted at page 10 of the Votes and Proceedings for September 25, 2006, the first sessional day after the filing. In other words, the public accounts were properly tabled and nothing was out of order. Indeed, since 1985, there have been five other occasions when the public accounts have been tabled pursuant to what is now standing order 39(a) on a day on which the House was not sitting. Some of these tablings occurred during the summer recess or the intersessional period.

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It is important to understand the rationale for this standing order in the context of public accounts. Standing order 39(a) provides a mechanism for the government to comply with the Ministry of Treasury and Economics

Act, to respect this assembly's pre-eminent role in the consideration of the public accounts and to expedite the timely and official dissemination of this important document. Because it implicitly requires the assembly to receive the public accounts officially before they are released to the public, this standing order effectively answers the very process concerns that were raised in the case at hand.

The member for Leeds–Grenville also made reference to a 2003 ruling, which can be found on pages 44 to 50 of the Journals for May 8, 2003, in which Speaker Carr found that a *prima facie* case of contempt was established in circumstances where the government presented a budget document at a time when the Legislature stood prorogued. In both cases, that incident and the case at hand, the events were preceded by the tabling of a financial document pursuant to standing order 39(a). That is where the similarity between the two incidents ends.

In the 2003 ruling, Speaker Carr ruled: (a) that the government had indicated that the impugned process was motivated by a desire to have a direct conversation with the people of Ontario, (b) that the government appeared to be suggesting that parliamentary institutions and processes were interfering with the government's message to the people, (c) that the government's statements tended to reflect adversely on parliamentary institutions and processes, and (d) that there was widespread public criticism of the government's actions. That cannot be said in the present case.

The process followed for the tabling of the public accounts is the same whether or not the House is actually sitting. There is no formal presentation of the document in the House when it is sitting, and no expectation of such. The minister in either case simply submits the requisite number of copies to the Clerk's office and ensures their distribution to all members, thereby commencing the scrutiny process.

Turning now to the matter of the media briefing, Speakers have been reluctant to rule that media briefings are a matter of order or privilege. I refer members to a ruling at page 268 of the Journals for November 17, 1993, when Speaker Warner ruled that no privilege was violated when a government body had not invited a member to a media event, and that the Speaker has "no authority outside the precinct that would permit him or her to ensure that announcements are made in a certain fashion." In addition, at page 221 of the Journals for November 6, 2001, Speaker Carr referred to media briefings as an "external apparatus which precedes what occurs in this House."

While I concur with those rulings, I would also counsel that it is in the best interests of this institution and the citizens that we serve when the representative function of members is respected. As a matter of courtesy, then, the government should in all cases make every effort to ensure that members on both sides of the House are adequately briefed and informed.

The member for Leeds–Grenville also indicated that "access to the briefing meant access to the public



accounts" and "denied access to the briefing meant denied access to the public accounts." However, members were all provided with copies of the public accounts in the manner which they always receive them at the time of tabling. The release of the public accounts during the adjournment does not pre-empt, prevent or impede the usual public accounts process. In fact, since the public accounts have now been tabled earlier than in previous years, the process can now be commenced earlier.

For these reasons I find that a *prima facie* case of contempt has not been established.

I thank the member for Leeds–Grenville, the member for Niagara Centre and the Minister of Finance for their views on this matter. I also thank the member for Leeds–Grenville and the Minister of Finance for their helpful written submissions.

## ORAL QUESTIONS

### HOSPITAL SERVICES

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Premier, I wanted to ask you about the province-wide emergency room crisis that has been gripping large portions of the province and your plans or lack of plans to deal with it. First, I would like to deal today with the appointment of Mr. Tom Closson as the inspector of the Grand River Hospital. As I said when I was asked about this last night, there's no question but that Mr. Closson is a highly respected individual, but we do understand that the terms of reference for Mr. Closson's appointment contain no timeline for Mr. Closson to report.

I understand the fact that it has taken you three years to do anything about this issue at all, but given the crisis that is affecting 20 hospitals across the province—which means an impact on dozens of communities in every region of the province and an impact on literally hundreds of thousands of people, including people who are waiting hours in hospitals that haven't been put on the list yet—I would have thought that the minister, your government, and you, Premier, would have wanted to put some deadline on this, even so that we could get some advice, the alternative being to be without the advice of Mr. Closson for a long period of time. We've seen a pattern of conduct where you put these things off indefinitely, maybe even beyond the election. Will you ask—in fact, insist—that the minister put some timeline on both an interim report and a final report for Mr. Closson's work so we can—

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I appreciate the question from the honourable member. I'm very

pleased to see the response about Tom Closson as the investigator. It's also our intention to move forward, pending the support of cabinet, for Mr. Closson to play the more direct role of supervisor in the context of Grand River.

We haven't put a specific time frame in there only at his request. But everybody, to be clear, is operating on the expectation that a short number of months—perhaps three at the outside—would be the appropriate amount of time to come to some resolution on the matters of emergency room services as related to the Kitchener–Waterloo region.

In addition, I'm pleased to say that the Ontario Medical Association and the government of Ontario, working through the mechanism of the physicians' services commission, are working on an expedited report related to some of the broader issues on the physician side. We expect to be able to have a report that would give us a chance to move forward within a period of less than two weeks.

**Mr. Tory:** There were a number of bits of interesting information in that answer, and that was closer to an answer than I have perhaps ever experienced here. It's amazing.

As the Premier would know—and my question is to the Premier—the people of Toronto are facing huge wait times in their emergency rooms. Your report, released this week, shows that the wait times in Toronto are more than eight hours. It's affecting ambulance off-load times. The city of Toronto is having difficulty with the number of paramedics who are being kept off the streets serving people because they are sitting in emergency rooms waiting for the patients to be processed, to be dealt with, for hours on end.

Councillor Gay Cowbourne of the city of Toronto was quoted on Global last night as saying, "It's not that we don't have sufficient paramedics, but it's the lack of staffing in hospitals to take over patient care from EMS."

We've had no response from your government at all this week. We've had the inkling of some report that might be coming in two weeks, and I would ask this question, since the minister chose to reveal this thing for the first time: Is this report coming in two weeks what we will expect to see—a comprehensive plan to deal with the emergency room crisis across this province, including in the city of Toronto? Will that be the time we will receive the comprehensive plan that we all need and deserve?

**Hon. Mr. Smitherman:** I do believe that as the honourable member works harder to ask better questions, he will get a lot more information that can help him in putting together what is a complex circumstance. What's for sure is that the challenges with respect to emergency rooms are ones that have bedevilled the Ontario health care system for decades, and no one has suffered through this more excruciatingly than the honourable member who sits beside the Leader of the Opposition.

The point is that the circumstances in Toronto have already been addressed in part through the work of the response to the Schwartz commission report, which



looked very specifically at the issue of ambulance off-load. In fact, the circumstances which we celebrate in terms of improvement in the emergency room at St. Joseph's are an outflow of that report, which has seen us invest more than \$80 million in a critical care capacity response, including adding ICU beds.

So we have improved ambulance off-load delay issues in Toronto. Of course, there is more work to do associated with providing care to people in appropriate settings and this is, in part, about rebuilding our workforce in the form of doctors and nurses, and we—

**The Speaker:** Thank you. Final supplementary.

**Mr. Tory:** It was the Premier, of course, during the course of the election campaign in 2003, who made the promise to unclog emergency rooms. The people of Ontario know, after three years now, that what we have is a full-blown crisis across the province in at least 20 hospitals, probably more. That means that is yet another broken promise.

1430

The Hamilton Spectator today carries a story about the Henderson General Hospital, which cancelled no fewer than 15 surgeries last week due to a lack of beds, and the ER there is overflowing before we even get to the flu season. Recent news that the flu vaccine is going to be late arriving is only going to exacerbate an already dire situation. Ottawa Hospital CEOs are concerned about bed shortages.

Having heard that there are little bits and bites here in response to this report or that report, you have another report—endless reports—you just received, which you held back from making public for some period of time. What we want to know is not the bits and bites. Is what you're going to give us in the two weeks, which you just mentioned, or any other time—are you going to give us a comprehensive solution to the emergency room crisis facing this province, a comprehensive solution that all emergency rooms will know—

**The Speaker:** The question has been asked. Minister?

**Hon. Mr. Smitherman:** A few things. Firstly, in the case of Hamilton, it's important to note that the circumstances we deal with include providing more appropriate care at the community level. I'm pleased to see that, through the evolution of the family health team, 3,642 patients previously orphaned can now claim a family doctor. This is part of the rebuild that is necessary toward the comprehensive strategy the honourable member speaks about.

In addition, with respect, he has spoken about the necessity of building back beds. He speaks about Ottawa specifically. I would remind the honourable member that our government is in the midst of more than doubling the size of the Montfort, we've recently completed expansion at Queensway Carleton, and other hospitals in the Ottawa area are seeing part of our expansion—2,000 additional beds being built back into the acute care system, an 8% increase, which helps to address the very clear fact that the honourable member's party, while in government, cut acute care services by 22%. These are all elements of a

comprehensive strategy to address the damage that was done by the honourable member's party while in government.

## BAIL VIOLATIONS

**Mr. John Tory (Leader of the Opposition):** I'm assuming that the answer on a comprehensive plan for the emergency room crisis is no.

My question is for the Premier. Today, the two suspects charged in the murder of Danny Rabi are in court. One of those suspects, Jodie Wheatle, was out on bail for another gun crime at the time of the alleged murder.

The victim's mother, who immigrated here from Iran with her children, had this to say: "I wanted to raise them here because I believed it was a nice country. If I knew the system was like this, I would have stayed in my country." She went on to say, "I came to Canada as a refugee. The system killed my son, not these two guys."

Premier, can you tell us if your crown attorney has appealed the granting of bail to Mr. Wheatle when he was charged with gun crimes three weeks earlier than the crime he's appearing in court in connection with today?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Attorney General.

**Hon. Michael Bryant (Attorney General):** I think all members of this House obviously want to offer their condolences to this mother who spoke, not only on her behalf but, as it turns out at that particular event, on behalf of a number of victims of crime, and of gun crime in particular. All of our condolences are with her and with them.

The member is asking me about a matter that is actually subject to a publication ban. The publication ban does not permit the crown or the attorney to reveal information about the positions the crown took during the proceedings, so I'm going to have to abide by the publication ban. I'm sure the member will respect that, although I'm happy in the supplementaries to address broader issues of the position that crowns take on bail and the policy and practice thereto.

**Mr. Tory:** Perhaps we can broaden it out to address the question of whether you have given express direction that, in cases where people have previously been involved in crimes involving guns, your crown attorneys have express direction to oppose bail for those people, and whether in cases where bail is nonetheless granted after the crown objects, you're going to appeal each and every one of those bail decisions, where it involves someone who has previously been involved in criminal activity involving a gun. Secondly, I think something you probably can answer in this case is, has the \$10,000 surety posted for Jodie Wheatle's bail been collected? Has that been collected?

**Hon. Mr. Bryant:** Again, the publication ban covers that particular question on that particular matter, and I'm not going to violate the publication ban.

The question about the policy and practice of crown attorneys when it comes to bail involving gun crimes: It



is the policy and the practice of crown attorneys to (1) oppose bail for gun crimes and (2) where there is a bail review available—it depends on the offence—and it is a circumstance in which the crown believes there can be success at the bail review, absolutely they do. At first instance in many cases, through policy and practice, they are able to oppose bail successfully. In some cases—the member is right—that doesn't happen and a bail review is sought, and the bail review will be sought in those cases where it is the independent view of the crown that that is the law of Ontario.

Again, it is the policy and practice of crown attorneys to oppose bail for gun crimes, period.

**Mr. Tory:** In order that we can see, because there is grave doubt certainly on this side, and I think in other quarters, about whether that in fact is being carried out, as you said, in practice, beyond what might be written, maybe I could ask you to table with us the most updated copy of your policy manual, I think it's called, where these kinds of directives would be set out, and secondly, ask you why it is that when we put forward amendments, for example, to Bill 14 that would have required the Attorney General to report annually, among other things, on the number of bail violations, the number of sureties collected or not collected as a result of bail violations and other statistics like that, your party voted down that kind of amendment. We did that only in the interests of transparency of the justice system so that people could see, as I'm asking now, that you're actually doing the things you say you're doing. There seem to be a lot of cases where people are not finding bail aggressively opposed by the crown, where you're not seeking a bail review and where these people are ending up walking the streets, only to then end up getting involved in other criminal activity.

Will you consider or reconsider the position you took on these amendments? Will you get us the information to show you're doing what you say you're doing?

**Hon. Mr. Bryant:** The crown policy manual that sets out those directives is public. I'm happy to table it in the Legislature. If the member wishes, he can also go and obtain that information online. It's up on a website. This government put it up on the website. It previously had not been available to the public.

The broader issue is really about bail law, as I think the member knows very well. I'm hoping he spent some time with the federal justice minister, talking to him about the changes we need to our bail laws. That's why Ontario is going to the federal-provincial territorial justice ministers' meeting next week in Newfoundland: to take a very strong position about very important changes that need to be made to our bail laws.

We have to be tightening up our gun laws. That's why this is the government that supports a handgun ban. That's why this is the government that wishes to tighten up the gun laws. That's why this is the government that is fighting, in fact, to toughen up our bail laws, whereas that is the party that is going in a very, very different direction. We're proud of our position.

## EDUCATION FUNDING

**Mr. Howard Hampton (Kenora-Rainy River):** To the Premier: Parents with children at the Dufferin-Peel Catholic District School Board sent you a message today. The parents are tired of dirty schools, with no soap in the washrooms. They're tired of no staff supervising the hallways. They're tired of seeing children who need extra help forced to go without. Most of all, they're getting tired of a McGuinty government that is more interested in photo ops than in fixing the problems in the classroom.

The parents told their trustees not to implement your cuts in the classroom and the trustees listened. The question is, Premier, will you respect this democratic decision of the school board trustees, or is the McGuinty government going to take over the school board and force your cuts in the classroom?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** We are very pleased with parents such as those, who are devoted to the well-being and the quality learning environment that all our children deserve throughout the province, but particularly those from the Dufferin-Peel Catholic District School Board who came today and made their opinions known. We welcome that advice.

I must tell you, though, that 68 out of 72 of our provincial school boards have managed to balance their budgets. Undoubtedly, in many of those instances it would have been somewhat of a struggle, just as we in government have the responsibility to work towards balancing our budget as well. There are always, always some trade-offs to be made in those circumstances.

But having said that, I also know that trustees welcome the additional investment we made in public education: some \$2.7 billion. The per pupil increase for this particular school board was 18%. So again, 68 of the 72 have managed to balance their budgets. We will continue to work with this particular board to ensure that we can help them do that as well.

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**Mr. Hampton:** Premier, Sharon Hobin is a parent with a child at Loyola Secondary School. Ehretia O'Hearn has children at Mount Carmel and St. Therese. After three years of the McGuinty government, what they see in their schools is washrooms without soap, school foyers that don't have secretaries and classrooms that don't have the programs to help kids at risk.

Your solution, as we see, is to force the school board trustees to make your cuts, cuts that will devastate good literacy programs like reading recovery. The question is this, Premier, and you can't duck it: Will you respect the democratically elected school trustees who refuse to make your cuts, or are you going to take over the school board and force your cuts in the classroom? Which is it going to be, Premier?

**Hon. Mr. McGuinty:** Again, so that we have the benefit of some facts before us, we've increased funding for that particular school board by \$128 million over three years. That's a 22% increase. I think that's pretty



significant. That means we've increased funding per pupil by \$1,300. That works out to an 18% increase per pupil. During the course of that time, working together with our trustees—to whom we attach a great deal of merit, so much so that we said to them, "You can, in fact, increase your own pay"—we brought class sizes down in over one half of our early years classes. We've hired 137 new teachers. Test scores in that particular board are up by over 10%. Together, we are rebuilding crumbling schools. Almost \$60 million has been invested in projects to fix schools within that particular board, 85 projects having already been completed. So together, I think we're making some real progress.

**Mr. Hampton:** Premier, the parents who are here today won't be appearing in your taxpayer-funded feel-good TV ads because these parents are real parents. They're tired of you putting your photo ops ahead of their children. They say good literacy programs like reading recovery shouldn't be cut. They say firing school custodians and school secretaries will make our schools more dirty and less safe. Premier, you admit that the school funding formula is flawed and inadequate and you promised to fix it, but you haven't. No wonder these parents are now calling you Dalton McHarris. The question is—and you deserve to give these parents an answer: Are you going to take over the school board and enforce your cuts, or are you finally going to fix the funding formula that you admit is flawed and inadequate and that you promised to fix? What's it going to be, Premier?

**Hon. Mr. McGuinty:** Again, for this particular board we've been pleased to be able to increase funding by \$128 million. That's a 22% increase.

The member made reference to the funding formula. That's always to be a work in progress. But let me tell you about some of the things we have done. Not only have we increased funding by some \$2.75 billion, which, on a province-wide basis, is \$1,600 per student, but we created a new \$1.1-billion school foundation grant that ensures that every school with more than 50 students is funded for a principal and a secretary. We've created special-purpose grants, because we recognize that one size does not fit all. Rural boards are now going to receive an additional \$125 million this year. We've updated the formula's salary benchmarks, which means that teacher salaries no longer have to be taken from other areas of school board budgets. I have a lengthy list of other amendments we've made to the funding formula.

Again, 68 out of 72 school boards have managed to balance their budgets. What we're asking all of our trustees to do is to work hard, living within our fiscal constraints, understanding we've increased funding by \$2.75 billion, to ensure we do so in a way that does not compromise—

**The Speaker (Hon. Michael A. Brown):** Thank you, Premier. New question.

#### HOSPITAL SERVICES

**Mr. Howard Hampton (Kenora–Rainy River):** To the Premier: The parents who came here today didn't

come to congratulate you; they came to point out that much of what you're saying in respect of their schools simply isn't real.

Premier, you've also broken your promise to take the pressure off our hospitals so that people will not have to wait long hours in overcrowded emergency rooms for necessary care. As a result of your failure to keep that promise, we have a hospital emergency room crunch that is 20 communities and growing. Every day, we learn of another community. Today, one of them is Windsor: the emergency rooms at Windsor Regional Hospital and Hôtel-Dieu general hospital, where wait times have hit an all-time high. Yesterday, dozens of Windsor patients couldn't get hospital beds. They were, instead, being warehoused on ER stretchers. Premier, how do you explain this growth of hallway medicine under Dalton McGuinty's government?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** The best explanation for that scenario is to be found in the heart of the honourable member. It is that if he looks deeply into his heart with a little honesty, a little objectivity, he will know where the roots of that challenge lie: His fingerprints are there. The reality is that the challenge that we experience, as the recent report that was provided helps to indicate—decisions taken through the 1990s by those two parties while in government on two very particular issues have been the most significant contributors here: a significant reduction in the number of acute care beds, 22% alone under the Conservatives, and a challenge with respect to the sufficient capacity of doctors. We know that the size of our medical schools was shrunk, and the reality is that through that action and subsequent inaction, 1,000 doctors were lost to Ontario. We're working hard to make that up by increasing the size of our medical schools and by building 2,000 additional acute care beds and by the largest single investment pattern in community-based care. These are the initiatives taken together that will have—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

**Mr. Hampton:** The Minister of Health and the McGuinty government are so desperate to blame somebody for their difficulties that they're even now blaming the wannabe leader of the Liberal Party that the Minister of Health is supporting.

Premier, the ER crisis may come as a surprise to the McGuinty government, but it's no surprise for Ontario patients, who have experienced at first hand how bad the situation is. Patients in Windsor aren't the only ones facing hallway medicine. In Hamilton, dozens of patients are stuck on stretchers waiting for beds that just aren't there because of the McGuinty government's broken promises. Last week, Henderson General Hospital in Hamilton cancelled 15 surgeries because the hospital is filled to overflowing.

I say to the Premier again: Instead of looking for someone to blame, what is your explanation for this



surge in hallway medicine now in your fourth year of government, when, by now, you've had time to fix the problem?

**Hon. Mr. Smitherman:** There it was in those final few words—"now that you have had time to fix the problem"—where the honourable member's already failing credibility takes another hard whack. The reality is that he hasn't yet stood up in this place, not once, with any degree of objectivity and apologized to the people of the province of Ontario for having, as he just acknowledged, spent five years in government in the bathroom, that when all of the tough decision were going on, all of the difficult discussions—

*Interjections.*

**Hon. Mr. Smitherman:** Oh, there, I've hit a touchy spot. Now it's the one that didn't apologize for running away on the public insurance debate. He squealed out of the parking lot rather than being on the scene and on the job.

In Windsor—they asked a specific question—they closed two emergency rooms there. We've increased funding at Windsor Regional by \$29 million. We've increased the size of medical schools by 23%, and we're building a satellite—

**The Speaker:** Thank you. Final supplementary.

**Mr. Hampton:** If the Minister of Health wants to apologize for the wannabe leader of the Liberal Party whom he's supporting, he should go ahead and do that. I want to talk about the situation in our emergency rooms today.

Here's the problem, Premier, and here's the problem, Minister: You haven't built the long-term-care beds we need, so frail, elderly seniors are being warehoused in high-cost hospital beds and people who need access to the hospital are lying on stretchers in the emergency room.

Here's a quote the Premier might remember: "You said you were going to make things better and ... you refused to put in place and get up and running long-term-care beds. That's what you did. This crisis is the result of your gross mismanagement and incompetence." Who said that? Dalton McGuinty. Today they're calling you Dalton McHarris because you've changed nothing.

1450

Premier, no patient in Ontario should have to wait in the hallway. So, in year four of your government, what's the McHarris plan—

**The Speaker:** The question has been asked. Minister?

**Hon. Mr. Smitherman:** Any time Howard Hampton stands up and starts talking about Mike Harris, any Ontarian with a good memory will think back to that debate in 1999 when Howard Hampton's arms weren't long enough—his reach wasn't great enough—to wrap them around Mike Harris and ensure that he got re-elected. This has been the agenda of that honourable member. We know about that political lover relationship he had with Mike Harris.

Here's the circumstance: 2,000 additional acute care beds being built that that honourable member opposes

because he's not in favour of construction; 5,000 additional long-term-care beds already open and in service—unprecedented levels of community-based investment.

Our government inherited a circumstance where, for 13 years in our province, community-based mental health programs had not seen one penny of new resources. This is but one example of our unprecedented investment at the community level. These things taken together are a comprehensive strategy to get over the circumstances that were manufactured by that—

**The Speaker:** Thank you. New question.

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** To the Premier: Despite all the rhetoric today, the reality is there is an emergency room crisis in Ontario today that you and your minister have known about for 18 months. The only reason that the emergency rooms in K-W are going to remain open is because of the doctors and the local leaders who worked hard to make it possible.

But I ask you today, why are you trying to distract attention from this crisis by only penalizing our community and sending in Ken Deane, an investigator and a supervisor?

**Hon. Mr. McGuinty:** I want to remind the former Minister of Health in the Conservative government of a few headlines that appeared during her term as minister:

"Chatham ER in Critical Condition," from the Chatham Daily News; "City Could See Part-time ER," Windsor Star; "ER Doctor Shortage Looming at General," St. Catharines Standard; "ER Wards Closed at Record Rates," Toronto Star; "Emergency Backlog Hits Worst Level in Three Years; As Bad as it Could Get," National Post; "Overflow Crowd Closes Local ER," Welland Tribune; "ER Out of Control, MD Says," Kitchener-Waterloo Record; "Death Prompts Inquest into ER Overcrowding," Kingston Whig-Standard.

I could go on, but there's only an hour allotted for question period here in the Ontario Legislature.

I want the former minister to take a good, long, hard look in the mirror and understand that the challenges we face today have been some time in the making, and she's made a wonderful contribution to that challenge.

**Mrs. Witmer:** The headlines that the Premier reads have to be cold comfort to the people who are suffering in our emergency rooms and hospitals. Furthermore, the Premier needs to know that the headlines today are about him. He's had three years to take action and there is no action whatsoever. If he wants to read the headlines, he should go back to Elinor Caplan in 1998 and 1999 and the emergency room situation.

*Interjections.*

**The Speaker:** Order.

*Interjections.*

**The Speaker:** We can wait. Minister of Public Infrastructure Renewal, member for Lanark-Carleton, I need to be able to hear the member from Kitchener-Waterloo.

**Mrs. Witmer:** Again I say to you, Premier, today the headlines are there because of your inaction on this issue, and if you want to reach back, reach back to Elinor Caplan in 1998 and 1999. I tell you, the worst problem and crisis was at that time when a woman was refused



access to an emergency room. I believe there were 14 that turned her back.

But I ask you today, why have you decided not to come up with a solution for the more than 20 hospitals in this province that have an emergency room crisis and why are you instead focusing only on the region of Waterloo and Grand River and sending in Ken Deane, an investigator and a supervisor?

**Hon. Mr. McGuinty:** I completely reject the implication that somehow we're doing anything other than working in a collaborative, co-operative fashion with a particular hospital and a particular administration and particular medical personnel which have some particular challenges. I think the member opposite would have to search long and hard to find anybody within the medical community who would somehow attack the integrity of somebody like Tom Closson or Ken Deane, an innovative approach to dealing with their emergency room challenges. We will continue to work with this particular hospital and any other hospital which finds itself in a position where—

*Interjections.*

**The Speaker:** Member for Erie—Lincoln will come to order. Member for Renfrew.

Premier?

**Hon. Mr. McGuinty:** I know that it is not the intention of the member opposite to luxuriate in the challenges that stand before us, particularly as they relate to her community. I know that she wants us to do everything that we possibly can to come together and resolve these challenges. I know that she wants to work with us in a co-operative way in the interests of patients who need access to that emergency room. I'm sure that over the days and weeks ahead we will continue to bring that sentiment to work together in a co-operative fashion, and I look forward to that.

#### LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** I have a question to the Minister of Health. Minister, on August 18, 2005, your government's own seniors' advisory committee on long-term care wrote to you, urging you to appoint a seniors ombudsman for long-term-care residents. They said, "We feel the current system, which relies solely on government staff, is simply not responsive enough to ensure seniors' rights are protected in an objective and fair" way.

Your government's committee represents over a million seniors in Ontario. It includes some of the following groups: United Senior Citizens of Ontario, Retired Teachers of Ontario, Concerned Friends of Ontario Citizens in Care Facilities, Ontario Coalition of Senior Citizens' Organizations, and on and on.

Minister, why did you ignore the advice of your government's own seniors' advisory committee and fail to put in place a seniors' ombudsman in your no-minimum-standards-for-seniors act?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I'm very

pleased to hear from the honourable member. She would know by a review of the legislation that we have placed in there a provision that allows us to create even greater resources to assist patients and their families related to long-term care. But it really is a difference of opinion with the honourable member—and some others, of course.

We think that the ombudsman function in the context of long-term care is a reactive approach. We prefer one that creates a circumstance where complaints are acted upon immediately, and that's what we've put in place with our 1-800 action line and with very strenuous compliance objectives and expectations that are at the very heart of the bill.

Here's what some others said about it. Lois Dent, Concerned Friends of Ontario Citizens in Care Facilities: "We are pleased that the long-term-care legislation is finally being introduced. We recognize that a lot of hard work has gone into developing this act, a great deal of consultation took place, and it appears that the result reflects a resident-centred approach." We can thank the honourable member for Nipissing for her leadership in this issue.

**Ms. Martel:** Minister, not only did you ignore your own government committee's advice, but you also broke a promise that you specifically made to the Royal Canadian Legion, Ontario command, with respect to an ombudsman. In a press release that was issued today by the Royal Canadian Legion, Ontario command, they say that at a meeting in March 2005 the Minister of Health indicated that his government would have a solution and create an ombudsman to oversee long-term-care homes and investigate complaints of care. The Legion says it also has on file many letters of support from Liberal MPPs encouraging the same thing.

Minister, there is no ombudsman proposed in your no-minimum-standards-for-seniors act. Why have you broken the promise you made to the Royal Canadian Legion?

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**Hon. Mr. Smitherman:** It is an example of the extent to which both myself and the member from Nipissing have been working with so many interested parties that we indeed did meet with the Legion. I recall those meetings very, very pointedly. While I did indicate that it was our intention in the legislation to have a mechanism, which is there—the office of the long-term-care adviser—I told them that from the standpoint of language, we would not necessarily call it that. I've never put that in writing; the honourable member knows that very well.

I think I'd like to offer one other quote:

"President Maureen Hutchinson, a resident herself, and I were very pleased at what we heard, proud of our involvement over the years in advocacy with and for residents of long-term care—and looking at a bright future ahead. Thank you for all the work by so many people.

"Patricia Prentice

"Executive director (A) Ontario Association of Residents' Councils."



## BOTTLE RECYCLING

**Mr. Bob Delaney (Mississauga West):** Mine is a question to the Minister of the Environment. Minister, one of the most anticipated environmental developments of late is the government's decision to launch a deposit-return program for containers from the LCBO. Whether I'm sitting in a living room meeting or I'm talking in a classroom or working with groups of students or discussing things at the door with constituents, one of the things people say to me very often with regard to recycling is that they can return many types of containers for a deposit, but their containers from the LCBO have to go into the recycling bin.

My constituents are, first of all, very, very pleased that they can do their part to protect the environment, and they would like to know a little bit more about this program. Could you tell us a bit more about it?

**Hon. Laurel C. Broten (Minister of the Environment):** The constituents in Mississauga, the constituents right across the province, are wholeheartedly embracing recycling. We are pleased to be able to provide, through the bottle return program, yet another tool for Ontarians to be able to ensure that products are used to their highest and best use. Effectively, what we are offering them is the opportunity to expand their recycling efforts: to return their liquor and spirit bottles to ensure that that valuable product, glass, is used to its highest and best use.

It's projected with this deposit-return program that we will keep as many as 80 million bottles out of landfills and road-building applications and use them for a more valuable use. It will also allow communities right across the province to build on their blue box programs by freeing up space for municipalities to expand into areas like electronics, household hazardous waste and organics, just to name a few.

**Mr. Delaney:** Many of our constituents are familiar with the deposit-return channel used at the Beer Store. Most of us know, if we're going to bring back our returnable bottles to the Beer Store, how to go about it. But many people who, first of all, are not beer drinkers or, secondly, don't frequent the Beer Store ask about this particular return channel. Tell me a little bit about the channel of returning LCBO containers through the Beer Store. Would it represent an inconvenience for consumers? How would that channel work?

**Hon. Ms. Broten:** As we seek to develop and expand our opportunities for recycling and increased diversion across the province, one of the things that we take a look at is ensuring that it is accessible to Ontarians. What our research shows us is that 80% of Ontarians purchase product at the LCBO and the Beer Store. In this developed program, what we've been able to do is build upon a return network that is already in place and that in fact has an incredible track record: some 96% of bottles are returned to the Beer Store. So we have a system in place that we can build upon. It's an efficient, effective, consumer-friendly program to help us, most importantly,

increase diversion of waste from landfill and recycle and reuse a product such as glass that has much higher and better uses than ending up in a landfill.

## CHILD PROTECTION

**Mrs. Julia Munro (York North):** My question is for the Minister of Children and Youth Services. Minister, on March 8, 2005, your ministry issued a news release with a commitment to introduce legislation that spring, 18 months ago, to make Ontario's child advocate independent. Your office said that this "would better protect the interests of vulnerable children and youth."

Then Minister Bountrogianni claimed that the "planned legislation deliver[ed] on a key commitment of this government and a promise we made to Ontario's youth and children." Is this just another broken promise in your three years of broken promises?

**Hon. Mary Anne V. Chambers (Minister of Children and Youth Services):** I appreciate the question and I look forward to the member opposite supporting this legislation when it comes forward so that we can have quick passage of it. In the meantime, what we have been doing is working to ensure that the proposed legislation is in fact reflecting the needs of children in Ontario. We've been working very closely with the sector and also with the current child advocate to make sure that what we bring forward will indeed serve the children of Ontario well.

In addition to that, as you know, we have been taking other steps to provide supports to children and their families in Ontario, not the least of which is Bill 210, which will be proclaimed next month and will ensure greater protection for children and their families.

**Mrs. Munro:** Minister, during the estimates a few weeks ago you claimed to be "doing very extensive consultations" on this issue. This week I had the opportunity to meet with representatives from Defence for Children International-Canada. DCI has been a lead advocate on this issue for years. In fact, this summer they published a comprehensive report entitled Child Advocacy Renewal in Ontario: Progress Report and Agenda for Action.

According to DCI, they have been unable to secure a meeting with your office. Despite your assertion that you are conducting extensive consultations, your office denied formal meeting requests from DCI from February 1, 2006, March 22, 2006, and June 2006, and repeated telephone requests for meetings. Minister, why have you dismissed meeting requests from this very important group?

**Hon. Mrs. Chambers:** As a matter of fact, I very recently responded to that organization, providing them with details on what we have been working on. You cannot start to imagine how many requests for meetings we receive. I think that one of the reasons I receive as many requests for meetings as I do is because the word is out there that I am very much about engaging and consulting, and that has indeed increased the demand for meetings with me.



To all who would like to meet with me on everything that's important to them, I appreciate their interest. I make a point of responding to their correspondence and, wherever possible, I do meet with them. But a meeting in itself, whether it takes place or not, is not an indication of whether or not I'm interested in the topic, and they know that. They will have very recently received a very comprehensive response on what we're doing with this issue.

### WINDSOR RACEWAY

**Mr. Michael Prue (Beaches–East York):** My question is to the Premier. On Monday and Tuesday of this week, I was compelled to act in the interests of Windsor residents because your Windsor-area ministers failed to do so themselves. I repeatedly asked your Minister of Economic Development and Trade to tell her electors when—and I underline the word “when”—she was apprised of the details of the racetrack relocation that will rob the city of Windsor of \$2.4 million of gaming revenues and another \$600,000 in property taxes. Put bluntly, the minister was evasive and refused to answer.

Premier, we know that decisions like these are not made in a vacuum. We know that you and your ministers and your most senior members of cabinet must have known about this. Tell me, when did you personally and your most senior ministers first learn of this body blow to the Windsor economy?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Public Infrastructure Renewal.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I'm happy to respond to the member's concern. I can tell you that Ontario Lottery and Gaming has not received a business plan from the track owners, so it's difficult to comment on the specifics. There have been some media stories and some announcements locally. When they do approach us, we'll be in a much better position to comment.

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I can tell the member that my understanding of the proposal—at least from the media reports—is that the track owners have decided to relocate within the Essex region, so there will be no loss of jobs. In fact, there will be significant reinvestment in here. I understand from the media reports that there is a supportive horsemen's association. I understand, as well, that this is certainly in keeping with the kind of vision they have talked about for a reinvigorated horse-racing sector.

We'll be very interested in the proposal when the owners of the track present a business case to Ontario Lottery and Gaming.

**Mr. Prue:** The Premier won't answer, and the minister who doesn't know anything about it gives a “blah blah.” That's what I just heard today.

Premier, I'm back to you, because I want you to answer this: Your Windsor ministers seem to be serving

the Liberal Party before their own constituents. Windsor county Councillor Dave Brister said that Papatello and Duncan “are not stepping up to the plate” to defend Windsor's interests.

A Windsor Star columnist wrote today: “Talk about shameless. Here's \$2.4 million annually to be confiscated from hard-luck Windsor and handed to prosperous Tecumseh and Papatello has the gall to call it a good thing for the county. Good grief, Sandra. You were elected by Windsor voters, not by Tecumseh backroom politicians and county standardbred owners.”

Help set the record straight and tell us when your government made this decision—or are you going to hold onto all this until after November 2 and your thousand-dollar-a-plate fundraising dinner, and then are you going to—

**The Speaker (Hon. Michael A. Brown):** Thank you. The question has been asked.

Minister?

**Hon. Mr. Caplan:** It's quite mystifying. Obviously, the member should go to Windsor. In fact, if he did, he would see the significant investment that this government delivered by three of the finest members of this Legislature, representing the people of Windsor: over \$1.2 billion of investment—\$400 million at Windsor casino alone; the Children's Rehabilitation Centre of Essex County; rebuilding the Windsor jail; upgrading signage in the jury box at Windsor; additional JPs; Windsor Regional Hospital; the Cada Complex Library improvement; road and bridge projects.

This member really should leave his Toronto riding if he wishes to go to a community that has done incredible work in terms of gaining investment there.

When we are approached by the owners of this particular venue, we will be in a much better position to respond—

*Interjection.*

**The Speaker:** Order. The member for the third party has been warned.

**Hon. Mr. Caplan:** —but so far, OLG has not received a business case from the Windsor Raceway.

### EDUCATION

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** My question today is for the Minister of Education. I'd like to start by extending my congratulations to her on her appointment to cabinet and wishing her success in a very challenging portfolio and in meeting all of the commitments our government has set out.

Minister, the McGuinty government has been here now for three years. We've come a long way during that time to recover from the decimation left by the Harris-Eves era. The government has invested heavily in education, more than any other government in the history of Ontario. The most rewarding part of our investments, though, Minister, is that the students are actually receiving higher-quality education.



For example, students in my riding are seeing improved test scores in grades 3 and 6, in reading, writing and math. The Durham Catholic board is seeing an average increase of some 13%, and the Durham district board is seeing an average increase of 11%. I have no doubt that we're on our way to meeting our target of 75% of students across Ontario meeting or exceeding the provincial standard by 2008.

Minister, the investments we made are making a difference to students in my riding. Can you remind the members opposite why our investments are so important to Ontario's children?

**Hon. Kathleen O. Wynne (Minister of Education):** Thank you to the member for Pickering–Ajax–Uxbridge for his work with teachers and parents in schools in his community.

To answer his question in an immediate way, the reason our investments are all so important—we talk about investments in schools, we talk about investments in the funding formula and in school boards—is that we are creating better learning environments for the children of this province. That's why they're so critical.

I want to talk about the success in his riding being mirrored around the province. Our overall investment of \$2.75 billion has led to lower class sizes, to student achievement going up, to graduation rates going up and to the presence of labour peace and stability in all of our schools. Our test scores in writing, reading and math are up 10% for elementary students. Nearly 60% of primary classes this year are going to be meeting the target of—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Arthurs:** Minister, the Premier has already spoken today to World Teachers' Day, and I know that you, like others, were visiting schools even as early as this morning to extend thanks to teachers and their partnership as we transform public education into the best in the world.

I want to take the opportunity to thank the teachers in my riding for the excellent work they're doing on a day-to-day basis. They're helping to reduce class size and boost student achievement. The two boards in my ridings have received funding for some 308 new teachers, and that's important.

Minister, we're certainly making a difference in regard to what's happening in education. We all know that at the end of the common-senseless revolution there were 15,000 fewer teachers, and Ontario schools had lost 26% of teacher librarians and 22% of physical education teachers. Can you help this House understand some of the investments that we've made for teachers in the province?

**Hon. Ms. Wynne:** We have done so much. We've come so far in three years. The respect for teachers that is shown on this side of the House is measurable. Funding for 7,000 teachers has been put into the system; 1,600 new secondary student success teachers; 3,600 teachers to create smaller class sizes—1,200 just this year. Sixteen hundred elementary teachers will be delivering more

music and more phys ed for specialty programs. We've trained 16,000 new teachers in literacy and numeracy. We've put \$4 million in the system to support professional development and provided two days of professional development that were not there under the previous government. We've repealed teacher testing. We have demonstrated that we hold a deep respect for teachers, and we will continue to make those investments.

#### LONG-TERM CARE

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** My question is for the Minister of Health and Long-Term Care. Minister, again this week we were treated to more empty rhetoric about what you've been pretending to do to address the challenges in our long-term-care centres. The good people operating our LTCs, such as Miramichi Lodge and Bonnechere Manor in my riding, just don't know if they can take much more of the kind of help you're offering. You promised \$6,000 more per resident, 20 additional minutes of personal care. You have not delivered. When will you begin treating our most vulnerable with the dignity and respect they deserve and replace your rhetoric with the support you promised? Or is your word simply worth nothing?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I want to say that we're very, very proud of the work we've done on long-term care. This is, of course, the place where we provide care to about 75,000 of our province's most vulnerable. I'm very grateful for the leadership work that the member from Nipissing has provided. As I quoted earlier in question period, others are very satisfied as well.

The honourable member talks about long-term care but doesn't find any capacity to acknowledge that there are 3,140 additional people working inside long-term care on the front lines, providing care to these very loved ones that we all agree need it.

In addition, the legislation which we're proud to have introduced this week, if passed, will enhance the standards and will also enhance the very protections associated with the quality of care that we all expect. They will outlaw neglect and make it incumbent upon all of us to make us aware of it, and they will offer important whistleblower protection in the instance that anyone feels reprisals.

There is always more work to do. This is an impressive and important piece of work related to long-term care, and we're proud to bring it forward.

**Mr. Yakabuski:** More rhetoric and empty promises.

Minister, I've had the opportunity to visit long-term-care centres in my ridings and shadow staff, shadow the good people serving our most vulnerable residents in those facilities. I appreciate the work they're doing. You know who else appreciates it? The families of those residents. They've told me, as well, that they appreciate the great work that they're doing. But do you know what



they don't appreciate? They don't appreciate your breaking your word to the people of the province of Ontario.

I've got some advice for you, Mr. Minister: Stop being so flippant, condescending and threatening. Stop worrying who John Tory is going to beat in the next election. Roll up your sleeves and start delivering on the promises you made to the most vulnerable people in this province.

1520

**Hon. Mr. Smitherman:** It's a bit Freudian, maybe, that the honourable member would speak out about one of the most glaring vulnerabilities about his party, the fact that his leader does not have the courage to run in the riding where he lives and, instead, is running home to his parents' house. Here's what we've done—and he is in for it. I mean, it was all a ploy on my part, of course, because we wanted to have a race—

*Interjections.*

**Hon. Mr. Smitherman:** —we wanted to have the showdown between the advocate for private education and the advocate for public education.

**Mr. Yakabuski:** Where do you live, Kathleen? Maybe you should get into the riding you serve in.

**The Speaker (Hon. Michael A. Brown):** I'm not going to warn the member for Renfrew–Nipissing–Pembroke again.

New question.

#### APPOINTMENT OF OPP COMMISSIONER

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Premier. On September 1, Angus Toulouse of the Chiefs of Ontario sent you a letter with a very reasonable request. He wants you to consult with First Nations before you appoint a new commissioner of the Ontario Provincial Police. I'm sure you will agree that after Ipperwash, Big Trout and Caledonia, the need for consultation with First Nations has never been greater.

Premier, today we learned that you're poised to name a new OPP commissioner as soon as tomorrow—without any consultation, we now know, with First Nations. My question is simply this: Premier, why did you refuse to involve First Nations in selecting our new commissioner of the Ontario Provincial Police?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the minister.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I would say to the member that the hiring of the commissioner of the OPP, as you know, is a worldwide search that is carried on by the government of Ontario and is done at a very high level. No citizens in the province are consulted when it comes to that. The interviews are done at the very highest level under very secure circumstances, as it is a policing matter, and it's done independent of government.

**Mr. Bisson:** Well, we'll find out tomorrow just how worldwide this search was, but that's for another day.

I just say, listen: You understand, Premier, and your ministers understand that in this environment of today, a commissioner must be very sensitive to issues of the community that he or she represents. First Nations are an integral part of our community of Ontario and we need to make sure that whoever we hire, he or she is sensitive to First Nations issues.

But I want to say, Premier, you promised on behalf of your government after being elected, about a year ago or two years ago, a new relationship with Ontario aboriginal communities. Tell me how this is anything different than before when it comes to creating a new relationship when you won't involve the First Nations in even consulting them over this hiring.

**Hon. Mr. Ramsay:** As the member knows, we have a consultation process involved right now with First Nations, with Grand Chief Angus Toulouse, in regard to all government responsibilities as to how we are to be consulting in the future. I am awaiting the response from the Grand Chief as to how he wants to engage the Ontario government in that exercise. We have offered capacity support in terms of money. We're waiting for the response to come back, and in what forum he wants to engage.

I think we have to understand that the previous commissioner, Gwen Boniface, made wonderful connections with the aboriginal community in this province. I must say that I was very pleased, and I know that she's in her final days now, on the response that she has had to aboriginal issues. They're very difficult issues, and Ontario has been served very well by her.

#### TECHNOLOGIES DE L'INFORMATION

**M<sup>me</sup> Monique M. Smith (Nipissing):** Ma question est pour la ministre déléguée aux Affaires francophones. Vous revenez d'un voyage en Roumanie, où le onzième Sommet de la Francophonie s'est déroulé. Ce sommet avait comme thème les technologies de l'information dans l'éducation. Les technologies de l'information sont devenues des outils indispensables, presque aussi ordinaires que le papier et le crayon. Cependant, l'accès à ces outils et leur utilisation n'est pas également répandu dans le monde, et cela crée des disparités.

Le développement durable est étroitement lié à l'éducation, et l'utilisation des technologies de l'information dans l'éducation s'impose comme une nécessité.

Quels exemples pouvez-vous nous donner sur la contribution de l'Ontario à ce domaine?

**L'hon. Madeleine Meilleur (ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones):** L'Ontario, et l'Ontario francophone en particulier, continue de s'affirmer comme un leader au niveau international dans les domaines de l'éducation, des nouvelles technologies et des nouveaux médias.

TFO, par exemple, est un de nos fleurons dans ce domaine et a déjà primé pour son site Web, conçu pour donner un accès instantané aux enseignants et enseignantes à des ressources en littéracie et numéracie.



Le Service d'apprentissage médiatisé franco-ontarien, SAMFO, est un autre exemple d'innovation et d'excellence en éducation.

L'Office des Affaires francophones avait présenté au kiosk du gouvernement fédéral ces deux outils d'enseignement et de nouvelles technologies, qui ont été reçus d'une façon incroyable. Je veux prendre cette opportunité pour féliciter ces deux organismes pour le beau travail qu'ils font en éducation, et ça a été reconnu au Sommet de la Francophonie par toute la communauté qui était là.

Alors, j'en profite pour les féliciter.

## PETITIONS

### PENSION PLANS

**Ms. Andrea Horwath (Hamilton East):** I have a petition to the Legislative Assembly of Ontario and it reads:

"Whereas every Ontario worker has the right to a secure pension that is indexed to inflation and provides the dignity of a stable and sufficient income for retirement;

"Whereas pensions represent workers' deferred wages and all pension contributions belong to the workers;

"Whereas people who work all their lives deserve the right to retire with a decent pension at age 65 without having to worry about making ends meet;

"Whereas the pension system is sorely in need of reform; it hasn't been reviewed since 1987 and many Ontario seniors have seen the value of their pensions vastly reduced over the years;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We call on the government of Ontario to form a special legislative committee on pension reform to study ways to ensure that all workers have the ability: (1) to participate in a pension plan; (2) to have a real say in how the plan is managed and governed; and (3) to have vesting from day one, indexing, portability from job to job and absolute protection of their pension through a much-enhanced pension benefit guarantee fund and stronger provincial legislation."

I agree with this petition. I'm sending it to the table by way of page Norah.

### FISH HATCHERY

**Mr. Dave Levac (Brant):** I'm offering this petition on behalf of the member from Algoma—

**The Deputy Speaker (Mr. Bruce Crozier):** Manitoulin.

**Mr. Levac:** Manitoulin Island, right. He's the Speaker, so I get to do this on his behalf.

"To the Legislative Assembly of Ontario:

"Whereas fishing is such a tourist attraction for Manitoulin Island, and in turn provides economic benefits to the island; and

"Whereas the Gore Bay Fish Hatchery has been in operation for 20 years, with over three million fish of various species being raised in the hatchery and stocked in Manitoulin waters (North Channel and Lake Huron); and

"Whereas little or no financial support is being provided by the Ministry of Natural Resources or by any provincial or federal government agencies; and

"Whereas volunteers have operated the hatchery for the vast majority of its existence;

"We, the undersigned, petition the Legislature of Ontario as follows:

"Provide funding for the hatchery, which will close permanently in October, as it is increasingly difficult for the volunteers to raise money."

I sign this name and hand it over to our page Sarah, who will hand it in to the Clerk.

### HIGHWAY 26

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario:

"Whereas the redevelopment of Highway 26 was approved by MPP Jim Wilson and the previous PC government in 1999; and

"Whereas a number of horrific fatalities and accidents have occurred on the old stretch of Highway 26; and

"Whereas the redevelopment of Highway 26 is critical to economic development and job creation in Simcoe-Grey;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Liberal government stop the delay of the Highway 26 redevelopment and act immediately to ensure that the project is finished on schedule, to improve safety for area residents and provide economic development opportunities and job creation in Simcoe-Grey."

The reason I started these petitions again is that the minister was up to the riding three weeks ago, met with the mayor and didn't look at the highway, and hasn't given us any answer on whether the Liberals are going to get restarted on this thing or not.

1530

### LONG-TERM CARE

**Mr. Peter Kormos (Niagara Centre):** On behalf of Shelley Martel, the member from Nickel Belt, I present the following petition.

"To the Legislative Assembly of Ontario:

"Whereas, in June 2003, Dalton McGuinty said, 'Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios'; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

Signed, in addition to the signature of Shelley Martel, by myself.

#### IMMIGRANTS' SKILLS

**Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale):** This petition is to the Ontario Legislative Assembly.

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, managerial and professional talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I agree with the petition and also sign the petition.

#### WATER QUALITY

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** "Amend the Clean Water Act.

"To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

It's signed by many people from the International Plowing Match in Peterborough.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Mario G. Racco (Thornhill):** "In Support of Skilled Immigrants—Bill 124.

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature"—and the key words are "prompt passage."

#### SCHOOL FACILITIES

**Mr. Jim Wilson (Simcoe-Grey):** I want to thank Tim Peterson, the member for Mississauga South, for signing my Highway 26 petition, as I am his MPP in that area.

**The Deputy Speaker (Mr. Bruce Crozier):** We'd like to hear the petition.



**Mr. Wilson:** This is another one now. "To the Legislative Assembly of Ontario:

"Whereas the parents of St. Paul's elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

"Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul's elementary school; and

"Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

"Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Education immediately deem St. Paul's elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul's can be educated in a facility that is secure and offers them the respect and dignity that they deserve."

Of course, I agree with this petition.

### IMMIGRANTS' SKILLS

**Mr. Shafiq Qaadri (Etobicoke North):** I have here a petition addressed to the Ontario Legislative Assembly regarding access to trades and professions in Ontario.

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, managerial and professional talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's

employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

Of course, I heartily support this and send it to you by page Julia.

### FREDERICK BANTING HOMESTEAD

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead, located in the town of New Tecumseth, is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture endorse Simcoe-Grey MPP Jim Wilson's private member's bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come."

If the Liberals would only do this, they'd be national heroes.

**The Deputy Speaker (Mr. Bruce Crozier):** We read the petitions, and the time is for all petitions to be read. We should keep any addition to a minimum.

1540

### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** I have received this petition from the Consumer Federation of Canada. It reads as follows:

"To the Parliament of Ontario and the Minister of Government Services:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating;

"We, the undersigned, demand that Bill 38, which passed the second reading unanimously in the Ontario Legislature on December 8, 2005, be brought before committee and that the following issues be included for consideration and debate:

“(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information such as SIN and credit card numbers.

“(2) Should a credit bureau discover that there has been a breach of consumer information, the agency should immediately inform the victimized consumer.

“(3) Credit bureaus should only report inquiries resulting out of actual applications for credit and for no other reasons.

“(4) Credit bureaus should investigate any complaints within 30 days and correct or automatically delete any information found unconfirmed or inaccurate.”

Since I agree with this 100%, I'm delighted to sign this petition.

### SCHOOL TRANSPORTATION

**Mr. Jim Wilson (Simcoe-Grey):** “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty has promised to make the needs of students a priority for his government and that students deserve to have a bright future with a good education; and

“Whereas Dalton McGuinty has promised not to give up on students or Ontario's public school system;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the provincial government work with the Simcoe Muskoka Catholic District School Board to establish an evening bus route from St. Joan of Arc High School in Barrie to the outlying communities. This would allow students to participate in extracurricular activities and help them to fulfill their potential, secure a bright future and receive the best educational experience possible, as promised to them by the Premier.”

I agree with this petition and I've signed it.

### BUSINESS OF THE HOUSE

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Speaker, I'd like to rise pursuant to standing order 55 and give the Legislature the business of the House for next week.

On Tuesday, October 10, in the afternoon, second reading of Bill 124, the Fair Access to Regulated Professions Act; in the evening, third reading of Bill 43, the Clean Water Act.

On Wednesday, October 11, in the afternoon, second reading of Bill 50, the Traditional Chinese Medicine Act; in the evening, third reading of Bill 51, the Planning and Conservation Land Statute Law Amendment Act.

On the afternoon of Thursday, October 12, second reading of Bill 130, the Municipal Statute Law Amendment Act.

### ORDERS OF THE DAY

#### ACCESS TO JUSTICE ACT, 2006

##### LOI DE 2006

##### SUR L'ACCÈS À LA JUSTICE

Mr. Caplan moved third reading of the following bill:

Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2006 / *Projet de loi 14, Loi visant à promouvoir l'accès à la justice en modifiant ou abrogeant diverses lois et en édictant la Loi de 2006 sur la législation.*

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Caplan.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Speaker, I'm going to be sharing the time with Mr. Zimmer, the member for Willowdale, the very able parliamentary assistant to the Attorney General.

Just some very quick comments. I have received a number of calls from very concerned residents in Don Valley East. They would like to see speedy passage of this bill. I will be supporting it, I say to my friends and neighbours in Don Valley East. I do hope it receives speedy passage by this Legislature.

**Mr. David Zimmer (Willowdale):** Today we proceed with third reading of the Access to Justice Act, 2006. This is a comprehensive and significant piece of legislation. The bill, if passed, will modernize and improve Ontarians' access to the justice system and provide greater openness, transparency and accountability. It will regulate paralegals and reform the justices of the peace system. It will also amend the Provincial Offences Act, the Courts of Justice Act and the Limitations Act, and create the new Legislation Act.

The Attorney General introduced Bill 14 on October 27, 2005. Before introducing this bill, we consulted extensively, including meeting and speaking with the bar, paralegal organizations, the business community and consumer protection groups. After the bill received second reading, it was referred to the standing committee on justice policy on April 11, 2006. The committee held nine days of public hearings and received over 300 written submissions. We have listened to concerns raised and introduced in the committee several amendments that would improve the bill.

I will take the time allotted to me to detail some of these proposed changes for the benefit of all members of the House, our stakeholders and interested members of the public.

First, let me speak to paralegal regulation. Currently, paralegals are not regulated in Ontario. They can provide legal services without receiving training or carrying liability insurance. Right now, there are no uniform standards and no educational requirements. There is no public body to investigate complaints made against paralegals or to discipline a paralegal in the event of dis-



honesty or unscrupulous conduct. The regulation of paralegals would contribute to increased efficiency and effectiveness in the justice system. Regulation would improve access to representation by qualified, trained professionals. It's now time to regulate paralegals in this province.

Ontarians deserve access to high-quality, affordable legal services. This government is committed to enabling the people of Ontario to get those services, while ensuring they are fully protected. Our government is committed to becoming an international leader in providing the best possible paralegal services by creating a modern regulatory and educational program to train qualified paralegals.

It's important that the public has confidence in the justice system, particularly in legal representation. Under the legislation, the public would be protected by established practice standards and a code of conduct; requirements for ongoing professional development; a transparent complaints and investigation process; and mandatory professional liability insurance.

By regulating paralegals, we would be increasing access to justice by giving consumers a choice in qualified legal services while protecting people who get legal advice from non-lawyers. We believe that the Law Society of Upper Canada is best positioned to assume this responsibility. It has the experience and the ability to regulate professionals providing legal services. It has the infrastructure and the expertise to take on the regulation of paralegals.

The law society has governed the practice of law in the public interest for over 200 years in Ontario. It has set educational and ethical standards for lawyers, addressed complaints from consumers of legal services and disciplined lawyers in the public interest. There has been some concern about whether the law society would be in a conflict-of-interest position when it comes to regulating paralegals. Let me assure you that the mandate of the law society would be to regulate legal services in the public interest. The law society's role would be to ensure that consumers who use legal services, whether through lawyers or paralegals, are properly protected.

The public is better served if one body regulates all legal services. With one governing body, it would be clear where all questions or complaints regarding the provision of legal services, whether by lawyers or paralegals, could be directed by members of the public.

1550

There are protections and safeguards in the regulatory system for paralegals. Paralegals will have a prominent role in the governance of the law society and, in particular, over the regulation of paralegals. A paralegal standing committee within the law society, with a non-lawyer majority and chaired by a paralegal, would take the lead in implementing paralegal regulation for the law society.

In addition, the legislation calls for various reports to be prepared on the development of the paralegal regulatory scheme, its effect on the public and its effect on

paralegals. An interim report would be required two years after royal assent, which would address the details of paralegal regulation to determine if it follows the law society's recommendations in its 2004 report on paralegal regulation. Final reports would be required five years after the system is up and running, one from the law society and another from a non-legal appointee of the Attorney General. These reports would review the way in which paralegals have been regulated and the effect of paralegal regulation on the public in Ontario.

We heard from some individuals and groups who supported paralegal regulation but do not believe that the regulatory scheme should apply to them. We have listened to their concerns, and the bill now contains some exemption as follows:

(1) persons in a profession or an occupation already governed by another statute;

(2) an employee or an officer of a corporation in relation to a document for the use of the corporation or to which the corporation is a party;

(3) a person acting on his or her own behalf; and

(4) an employee or a volunteer representative of a trade union or a union member in certain types of proceeding.

Bill 14 would also provide the law society with the authority to exempt persons or classes of persons from licensing requirements through its bylaws.

We've also heard that paralegals who are licensed by the law society should be members of the law society. We have listened to those concerns. In response, we've proposed an amendment that would make persons licensed to provide legal services "paralegal members" of the law society. The law society would have the responsibility to regulate all legal services in the public interest. We expect that the law society will continue to consult with legal, paralegal and consumer groups and the public as the regulatory scheme is developed over the years.

We've heard from some parties who believe that paralegal regulation will deprive the public of the opportunity to retain the paralegals they choose. This is simply not the case. Under the proposed Access to Justice Act, paralegals will be able to do everything that they can legally do now. Paralegal regulation is about encouraging qualified, independent paralegals to continue to provide professional services to the public. This bill will strengthen the role of paralegals in Ontario.

Now I want to go over some of the other portions of the Access to Justice Act that were introduced this past fall. First, let me speak to justices of the peace reform. Through the proposed Access to Justice Act, we're also making major reforms to the justices of the peace system. As justices of the peace are playing an increasingly important role in the justice system, it's time to bring the justice of the peace system into the 21st century. The proposed reforms in Bill 14 will ensure continued public confidence in the justice system by creating a more open and transparent appointment process and by establishing minimum qualification standards for the appointment of justices of the peace. Amending the Justices of the Peace



Act would establish minimum qualifications for prospective justices of the peace: a university degree or a comparable community college diploma or a comparable equivalency experience, including life experience, and at least 10 years of paid work or volunteer experience.

There have been questions raised about why justices of the peace do not have to be lawyers. Justices of the peace are often the first and the only encounter that most people have with the justice system. It is important that justices of the peace reflect the diverse communities that they serve. The long tradition in Ontario of a lay justice of the peace has served the justice system in Ontario well.

We would also establish a new Justices of the Peace Appointments Advisory Committee to increase the openness and the transparency in the appointment of justices of the peace. Community and regional input would be incorporated into the appointment process. Changes to the Justices of the Peace Act would expand the power of the Justices of the Peace Review Council to allow it to deal with a broad range of complaints. It would have full power to hold a hearing and impose a range of penalties, including, in an appropriate case, removal of a justice of the peace.

The bill would increase flexibility for the court in scheduling justices of the peace, including for Provincial Offences Act proceedings. All future justice of the peace appointments would be full-time presiding appointments. Presiding justices of the peace can perform a broader range of functions than non-presiding justices of the peace, including presiding over trials under the Provincial Offences Act such as Highway Traffic Act offences.

We would also help manage caseload workload by allowing retired or retiring justices of the peace to provide continuing services after retirement on a per diem basis. Per diem justices of the peace could be exclusively dedicated on a temporary basis to specific matters, including Provincial Offences Act proceedings and the backlog issues in local jurisdictions.

We have heard that some stakeholders want to know why we are not establishing a part-time bench that would be available 24 hours a day, 7 days a week. A full-time presiding bench would provide the court with the greatest flexibility in scheduling. Justices of the peace are, in fact, currently available 24 hours a day. Municipalities have said that they need more justices of the peace. The Access to Justice Act will increase the availability of justice of the peace services. In addition, over the past three years we've appointed 40 full-time presiding justices of the peace, and more are on the way.

We have support for reforms in this bill. For example, the Association of Municipalities of Ontario, in its submission at committee hearings, stated, "These changes will provide municipalities with greater access to justices of the peace specifically to preside over POA offences ... it will not result in new costs but will provide access to a wider pool of justices of the peace to clear up case backlogs. Moreover, the new generation of justices of the

peace will be better prepared for the challenges that face them."

The Police Association of Ontario told the standing committee at its hearings, "We would like to congratulate the government for moving forward with reforms to the justice of the peace system."

Let me say a few words about the Provincial Offences Act. The Access to Justice Act bill would, if passed, also make an important amendment to the Provincial Offences Act. It responds to concerns expressed by municipalities, police and others. The Provincial Offences Act establishes procedures and processes to enforce and prosecute offences created by provincial statute and municipal bylaws. Our amendment to the Provincial Offences Act would permit witnesses in proceedings under the act to be heard and cross-examined by electronic means, such as video conferencing. This would allow police officers and others to give evidence from locations outside the court, allowing for the more efficient use of their time. It would also lessen the burden on the Provincial Offences Act courts by moving cases through the system efficiently.

**1600**

Fears have been expressed that the use of electronic means may deprive defendants of their right to cross-examine the witnesses for the prosecution. These fears are misplaced. First, the right to cross-examine is an integral part of our trial process and is protected at all times by the Charter of Rights and Freedoms. This government will never attempt to abolish that right or weaken that right in any way. Second, we will be working with all of the stakeholders to ensure that the technology offers full communications capacity so that everyone is clearly and fairly heard. The permissible methods will be set out in regulation so that everyone has notice of them ahead of time.

Finally, court proceedings are controlled by the presiding judicial official, who can decide if justice requires some other procedure in the circumstances.

We are modernizing the procedures for prosecuting provincial offences by using available and modern technology. In addition, we are working with our municipal partners to make our justice system more effective and responsive. Our government's City of Toronto Act and the proposed Municipal Statute Law Amendment Act, if passed, would also permit municipalities to impose administrative penalties as an alternative means of enforcing parking bylaws. We will also continue to work with the judiciary and our justice partners, including the municipalities and the police, in these areas.

Let me say something about the Limitations Act amendments. The province's Limitations Act was passed in 2002 with all-party support. This important law governs how long a person has to start legal proceedings. Claims not started within the time limit may not be permitted to proceed. Following the passage of the legislation, some groups and individuals have said that the law needed further changes.

The act currently prohibits parties from agreeing to limitation periods that are different from those set by the



legislation. In effect, this makes it difficult to engage in commercial transactions and settle legal disputes without commencing a legal action prematurely. As a result of consultations undertaken by the government, we proposed changes to the Limitations Act, 2002. The standing committee on justice policy has also just finished hearing from groups and individuals asking us to reform this area of the law. The amendments to the act would give businesses flexibility to establish their own limitation periods. Those who are parties to a legal dispute would have the opportunity to give themselves more time to settle their dispute without being forced prematurely to go to court.

We have also provided balance for those businesses that respond to tenders and cannot negotiate limitation periods on a level playing field. For those businesses, we have provided an additional amendment that would prevent businesses from establishing a limitation period beyond 15 years, unless the limitation period is extended for the purpose of settling a claim discovered within the limitation period.

It was suggested in committee that consumers or senior citizens need a longer limitation period than the existing two-year period to assert their rights when they've been preyed upon by deceitful or negligent investment advisers. The government does not want to go back to the old and confusing system where we had different limitation periods for different people and for different causes of action. It is essential to note, however, that the two-year limitation period applies only—and this is important—from the time that the claim is discovered. Moreover, our amendments would provide that only businesses—only businesses—can agree to shorten a limitation period. When consumers are involved, the limitation period can only be lengthened, never shortened.

If a person has been harmed by an investment adviser or anyone else and does not realize it, then the limitation period does not start to run. It starts to run when the person knows that a wrong has been done. As noted, the current amendments will allow people to extend limitation periods by agreement and give them more time to settle their matter.

In our view, the clarity of the law and the protection of the public are both improved by the bill in its present form.

Let me say a few words about the Courts of Justice Act amendments. The proposed Access to Justice Act would also, if passed, amend the Courts of Justice Act to provide greater transparency and accountability for the administration of the courts. The goals of court administration and the roles and responsibilities of the Attorney General would be clarified, and the publication of an annual report on the operations of the courts would be required by law, although the ministry has in practice been posting such reports on its website for the last few years. It will now become a matter of law to do that.

Under the current Courts of Justice Act, every change, every minute change to a court rule, no matter how

minor, must get cabinet approval. This can delay needed procedural changes, to the detriment of the people using the court system on a day-to-day basis. For example, even correcting a spelling error on a form, under the current system, has to get cabinet approval. Under the proposed amendment, only the approval of the Attorney General would be needed for these simple changes. This will promote a more efficient and a more streamlined rule-making system, while continuing to maintain public accountability.

Since 1987, the Ontario government has been paying part of the insurance premiums that Ontario doctors pay for medical malpractice. Amendments to the Courts of Justice Act would increase the number of cases where the costs of a plaintiff's future care in medical malpractice cases would be paid out in instalments over time, rather than in a lump sum.

Lump sum payments can be problematic for a number of reasons. First, for example, the person must invest the money to earn enough interest to pay for future care. The money earned on a lump sum payment is taxed, while periodic payments are not subject to income tax. Under Bill 14, periodic payments would be ordered where future care costs are more than \$250,000, unless to do so would be unjust to the individual plaintiff.

This new provision would reduce the cost of judgments and should reduce the cost of medical malpractice insurance, about 80% of which is paid for by the taxpayer. But it would not affect the ability of the plaintiff to pay for future care.

This is not a radical departure in our law. A similar provision has existed in the act since 1989. What the bill does is improve the interpretation of that provision and make it more rigorous. Similar provisions already apply to auto insurance accidents and have been instituted in other provinces in Canada.

Let me say a few words about the creation of the Legislation Act. The proposed Access to Justice Act would create a new, single source for Ontario laws called the Legislation Act. Currently, the government publishes its statutes and regulations online through e-Laws, as well as in print. This bill would make statutes and regulations from e-Laws admissible in court without proof of their accuracy as statements of law. The public, lawyers and judges have come to rely on electronic access to Ontario legislation. That's why we are proposing legislation that would make e-Laws official and give legal recognition to its reliability.

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The Legislation Act, 2006, would replace or re-enact several existing statutes. The proposed act rolls numerous provisions about the publication, technical citation and interpretation of Ontario laws into one, single act. Statutes would automatically come into effect on the day of royal assent and would generally become enforceable at the end of that day. Currently, legislation comes into force 60 days after the end of the legislative session, unless otherwise provided. Regulations would be enforceable after the electronic publication on e-Laws



without waiting for the traditional print publication in the Ontario Gazette or an actual notice to the person concerned.

Our province, like other jurisdictions in Canada, is no longer publishing a revised and consolidated list of its statutes every 10 years. People nowadays rely instead on the online version, as I have noted earlier.

Changes to the Interpretation Act would modernize the language and recognize the bilingual nature of Ontario statutes, as well as current practices in drafting such as incorporating outside documents into law by reference. The new legislation, if passed, would make all legislation easier to understand and facilitate government business. If passed, the act would also clear a large number of outdated and obsolete laws off the statute books of Ontario.

The proposed Access to Justice Act is a good, comprehensive piece of legislation. If passed, it is going to benefit all members of Ontario society. I would urge all members of this legislative body to read the legislation carefully. I urge you to support this legislation.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Jim Wilson (Simcoe-Grey):** I was interested in the honourable member's comments and in this legislation. About three weeks ago in my riding, I held a town hall justice meeting in consultation with the Ontario Bar Association. Mr. Runciman from Leeds-Grenville had had one earlier. The bar association is going around, and they hope to do this in 30 or 40 ridings, either with federal or provincial members or federal and provincial members. We had a really good turnout in Collingwood.

I have two questions for the parliamentary assistant: One is—and it was asked today in the Legislature—why are sureties not collected in this province? I asked the Library of Parliament two weeks ago why sureties are not collected in this province. It seems to me rather strange that if you put up a \$10,000 surety, as in the case of the shooting in December in Toronto, and the person violates their bail provisions—shouldn't the crown, or however it works, shouldn't somebody be collecting that money? Apparently we don't even track that in this province. I've been around here 16 years, elected, and I didn't even know that. What's the sense of abiding by your bail restrictions or your conditions of bail if there's no financial penalty, if the surety is never collected when violators go around violating their conditions of bail? That's one question from a layman.

The second one is court time in Collingwood. This bill doesn't do anything, as far as I can tell, to help me with a problem that I didn't know about. There were 14 lawyers who showed up, all from Collingwood, many of them female lawyers who do family law, and apparently they only have about two days a month or something where court time is done in the Collingwood courthouse. We're shortchanged vis-à-vis other courtrooms in Ontario. I've been trying to get an answer out of the ministry for the last couple of weeks on that: Why are there not enough resources put into the Collingwood courthouse so that we can have more time for family law hearings?

**Mr. Peter Kormos (Niagara Centre):** I tell you, I'm looking forward to my opportunity to have an hour to address this bill. That's all I'm allowed because of this government's approach toward debate. Even as the critic and as the person responsible for the lead, the government's rules only want to hear from the opposition for a maximum of one hour, and I understand why in the instance of this bill.

Let me say to the parliamentary assistant, I have read the bill carefully. I've read it over and over and over again. And each time I've read it, I've found more flaws, more inconsistencies, more defects, more failures to introduce meaningful policy. I've found more and more attacks on professional, committed, disciplined, well-trained paralegals who want to serve folks in their community. As I read the bill over and over again, oh, so carefully, section by section, clause by clause, word by word, I realized that this is another Bryant special. First there was the pit bull ban and now there's the paralegal ban.

The most fundamental of observations by none other than Mr. Justice Cory was neither rebutted nor refuted. Mr. Justice Cory, like so many others, said the fundamental conflict of interest between the law society and lawyers and paralegals wasn't addressed. That conflict wasn't addressed. I was eager to hear it addressed. I was eager to hear some reconciliation of that conflict. Not a word.

Looking forward to my hour, Parliamentary Assistant.

**Mr. Peter Fonseca (Mississauga East):** I have to commend the Attorney General, and the parliamentary assistant, the great member for Willowdale, David Zimmer, for the comments that he made on the Access to Justice Act, 2006.

I know that my constituents are looking for a justice act, a system, that is modernized, that brings in various aspects of the justice system that haven't been fixed, and it's long overdue.

Let's look at what's happening with the justices of the peace and the modernizing of the JP bench. Creating minimum qualifications for the JPs is wonderful. What we'll be doing with this piece of legislation is looking at who should be a JP, through their skills, their knowledge, their experience, and making sure they are the type of people we want making very important decisions in people's lives.

We want to make sure that they are open-minded, that they are good decision-makers, that they are impartial, that they are objective, and that they do have some knowledge of the law. They don't have to be lawyers, but they should have a good understanding of the law, and they should have experience. They should have experiences in the community. Maybe they've worked with youth or they've worked with our seniors, they've been involved in many different projects and organizations in the community and have a good understanding of the community, because the decisions they will be making will have huge impacts on the communities they live in. Their attitude also should be one that is community-



minded, so that when they play their role, they should be thinking about how this will impact the community.

So as we go through the creation of the justices of the peace appointments advisory committee, we'll advertise for these positions, we'll interview, and we'll recommend these JP candidates.

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**Mr. Ted Chudleigh (Halton):** I'm somewhat disappointed in this bill; first of all, in the way it treats paralegals. It puts Wal-Mart in charge of Zellers. It's not being fair to the paralegals of this province.

I was also disappointed in the committee when the Liberal majority in the committee voted down the PC amendment that would have provided a lot of transparency to our justice system. It would have allowed statistics to be kept on court bail violations, for instance. There are no statistics kept on how many bails are violated, on how many sureties are collected in this province. There are no statistics kept on that. If you can't measure something, if you don't keep track of it, then you can't manage it either. There are no statistics kept on remands, how many of those are taken care of; or on court cancellations, something that wastes a tremendous amount of time for the courts in this province. There are no statistics kept on how much time the courts lose through court cancellations. It also would have kept track of offences committed by people on bail, on parole or on probation.

The member from Simcoe noted a few minutes ago the very tragic death of Danny Rabti three weeks before Christmas last year, when someone who was out on bail for a crime that he was suspected of committing only three weeks before—and it was a gun-related crime. This person was out on bail and is now accused of this heinous crime when this young person was murdered.

Those would have been very positive amendments to this bill. They would have made at least one section of it a little more worthwhile.

**The Deputy Speaker:** The member for Willowdale, you have two minutes to respond.

**Mr. Zimmer:** I just want to take a moment to offer my thoughts, indeed my assurance, to all members of the public, especially our seniors and perhaps all of the other members of our society who are especially vulnerable with respect to matters that come up under the Limitations Act.

I spoke about the issues of the amendments to the Limitations Act in my remarks, but I wanted to make it absolutely crystal clear that the limitation period is going to run from the time you find out that you've been hurt or harmed. We heard from seniors at the committee hearings that they were concerned that they may not even know they've suffered a wrong. The limitation period, in the meantime, has run, and by the time they find out that they've been cheated out of their money or there is some other harm to them, it's too late for them to sue in the courts.

The Limitations Act is set up such that the limitation period, as it affects seniors and ordinary members of the

public and vulnerable members of the public, runs from the time that the person found out they had been cheated or they had been stolen from or they had suffered some other grievous harm. That's when the limitation period will start to run, and they have a couple of years after that to think about what happened to them, discuss it with their family, consult a paralegal or a lawyer, and take the appropriate action. I wanted to make that quite clear on the record.

**The Deputy Speaker:** Further debate?

**Mrs. Christine Elliott (Whitby–Ajax):** I understand that we have unanimous consent to defer our lead with respect to this bill.

**The Deputy Speaker:** The member has asked for unanimous consent to defer the official opposition's lead. Agreed? Agreed.

**Mrs. Elliott:** I rise today on behalf of the Progressive Conservative caucus to express my concerns with respect to Bill 14. I will say at the outset that this is an omnibus bill in which the Attorney General is attempting to deal with six complex sections, each important in its own right. It would have done justice to each to deal with them separately. Nonetheless, we have what we have to deal with, and in my remarks today I wish to comment on schedules A, B and C, which are the subject of our greatest concerns. My colleague the member from Leeds–Grenville will be commenting more fully with respect to all of these sections at a time to be determined by this Legislature.

Schedule A deals with amendments to the Courts of Justice Act. This section deals with various aspects of court administration, but the most important change is to section 116. Section 116 is an innocuous-looking provision with huge potential ramifications in the court system. With this one small change, 200 years of common law are overturned. It has always been the plaintiff's choice in a successful action to receive an award in a lump sum, to do with it what they wish—to spend it, to invest it; it's their choice. This single provision turns access to that choice on its head and requires the plaintiff to accept a structured settlement unless the judge considers it unjust to so order.

I should say that structured settlements are very often appropriate in cases of catastrophic injury where someone has been rendered a paraplegic or quadriplegic and there are significant future care costs. In those cases, it makes sense to establish a structured settlement, because it will ensure a steady stream of income, as established by the company setting out the structure, over the life of the injured person. However, not every case is appropriate for a structured settlement, and specifically cases where the plaintiff's future care costs are not known, so locking the judgment into a structured settlement is not appropriate. In fact, it is patently unfair to some plaintiffs.

Of course, this is not applicable to all plaintiffs, but only those involved in medical malpractice actions. For example, plaintiffs who are successful in a personal injury action arising from a motor vehicle accident are



not affected by this provision, but only medical negligence accident victims. One has to wonder why. We have no idea. It was never explained to us. However, it would seem that this is a small piece of tort reform, taken out of context, that makes no sense. This should have been dealt with in a comprehensive manner, in context, and not just pulled out of the air and inserted into this act.

Another serious concern we have with this amendment to section 116 is the fact that inflation is not formally dealt with. It's mentioned, but it's not guaranteed. Section 116.1(2) provides that "the court shall determine the amount and frequency of the periodic payments without regard to inflation," and then requires that the structure or annuity contract "include protection from inflation to a degree reasonably available in the market for such annuities." This is so loosely drafted that what it really does is create a field day for lawyers, and therein lies the problem. It was on this point that the committee heard some of the most compelling and poignant testimony before it.

Before I comment on the specifics of this testimony, I should comment on the general nature of medical malpractice actions. They are very often a David versus Goliath situation. On one side, there is a plaintiff who is alleging the medical negligence. Very often that plaintiff is an injured child who has suffered a catastrophic injury, and often the plaintiff and his or her parents, or the plaintiffs themselves, are people of modest means. But even if they are relatively comfortable financially, the costs involved in bringing forward a medical malpractice action are enormous. The effect of this provision in failing to guarantee inflation protection is to ensure several more days of court appearances as the plaintiffs and defendants argue over the issues of (a) whether inflation should be taken into account in the first place, and (b) the appropriate measure to measure the inflation that should be allowed.

The testimony before the committee from Mr. Kolody on behalf of himself and his wife, Ms. McIsaac, was compelling. Mr. Kolody is the parent of a young child who was seriously and permanently injured as a result of the medical negligence that he is alleging. In his submission to the committee, he states: "What this legislation does, because it is ambiguous, is create a whole new battleground for litigation called annuity indexing. The courts will be confronted by many expert witnesses for both the plaintiff's side and the defendant's side to argue about what the inflation rate will be for the time period of the next 70 years.... A trial that would have lasted eight weeks will be stretched out to 12, all to hear from a whole panel of economists, each with their own opinion on what inflation will be."

He continues by adding that "the additional cost in litigation is actually borne by the victim, because the costs awarded by the court today to bring forward a case do not come anywhere near to covering the real true costs. So any more additional litigation required comes out of the bottom line and what's available to the victim of medical negligence."

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How can this possibly lead to better access to justice for Ontarians? All it does is make more money for lawyers arguing about something that shouldn't really be in question in the first place. For these reasons, our party is unable to support this section of the act.

Next, I will speak to schedule B of the act, which deals with justices of the peace. At the outset, I should state that no testimony was heard before the committee from any justices of the peace, which is a great shame, because I'm sure they would have had very valuable input into the whole process. However, given the fact that this government has refused to appoint justices of the peace, and the lack thereof has now reached crisis proportions in our courts, I know that our hard-working justices of the peace simply were not able to take time off in order to come and give testimony before the committee.

The Attorney General and his staff have indicated to the municipalities and to the public that they have been unable to appoint new justices of the peace until Bill 14 has been passed, and that the opposition has been unnecessarily holding up passage of the bill by taking an unreasonable position in committee. The municipalities and the public are rightly concerned that some people are able to walk away from their charges and that there are heavy fines that could have been levied that can't be levied and collected because of the lack of JPs.

This, however, has nothing to do with inordinate delays by the opposition, but has everything to do with inordinate delays by the Attorney General. He has had three years to appoint more justices of the peace to deal with delays in our courts, but has done nothing. To blame this on the opposition is disingenuous at best. In fact, the Attorney General has made a few—all too few—appointments already. He does not need Bill 14 to be passed in order to make appointments. The process for appointing justices of the peace contained in Bill 14 has already been informally used for some time.

Leaving that aside, why do we oppose this section of Bill 14? There are several significant reasons. First of all, the bill provides that the mandatory retirement age for JPs is age 70, yet the mandatory retirement age for judges is 75. There's no reason, especially given this government's position that people should not be forced to retire at age 65, that they should have this artificial timeline for retirement imposed upon them. Second, similarly, Bill 14 does not allow for the appointment of per diem justices of the peace, which will allow for greater flexibility by allowing justices to work outside of normal court hours and outside of courthouses. This would allow much better flexibility and would serve the public better. But, again, we can't support this provision because it simply doesn't allow access to justice for ordinary Ontarians.

Finally, I wish to speak to schedule C, amendments to the Law Society Act and related amendments to other acts, which deals with the regulation of paralegals here in the province of Ontario. There is nothing in Bill 14 as contentious as the issue of paralegal regulation. This



issue has been the subject of two major studies, the first by Dr. Ianni in 1990 and the second by Mr. Justice Cory in 2000.

The issue here has never been about the need to regulate paralegals. All parties, and indeed paralegals themselves, have agreed that it is necessary, for the protection of the public, that paralegals should be regulated. Probably every member of this Legislature has heard some horror stories about paralegals who have been acting outside the boundaries of their knowledge and experience, who have caused unnecessary damage, loss of money and considerable concern to many members of the public. But we've also heard from paralegals representing the vast majority of their members, who also want to see order and discipline required of their membership in the same way that adherence to certain rules is required by lawyers.

There are two major problems identified with this part of Bill 14. The first problem is the fact there is considerable confusion about the type of work in which paralegals can engage. Bill 14 speaks about practising law and the provision of legal services. There were many groups and organizations who appeared before the committee who were concerned that the work they perform in the normal course of their duties would be caught up in the act, and they would be subject to regulation in the same way paralegals are—groups like title insurance companies, banks, human resource organizations and many others. Although it was stated at committee that they would not in all likelihood be captured under Bill 14, the fact remains that there is considerable confusion about the scope and effect of the bill that needs to be clarified.

The more significant concern, however, is with governance, and this is where we heard the most serious testimony from many parties. The eminent study on paralegal regulation that I mentioned earlier, which was completed by Dr. Ianni, outlined three models for the regulation of paralegals: regulation by the Law Society of Upper Canada, self-regulation, and regulation by the appropriate government ministry with a view to self-regulation down the road. The concept of immediate self-regulation was rejected, on the basis that paralegals were not yet ready to assume this responsibility, but it was seen to be the best model if gradually introduced. The concept of regulation by the law society was discarded, on the basis that there was an inherent view, held by paralegals, that the law society would be placed in a conflict of interest in having to make a determination between the best interest of lawyers and the best interest of paralegals.

Mr. Justice Cory considered the same question in 2000 and came to the same conclusion. He stated that, "At the outset I would emphasize that it is of fundamental importance that paralegals be independent of both the Law Society of Upper Canada and the province of Ontario. The degree of antipathy displayed by members of legal organizations towards the work of paralegals is such that the law society should not be in a position to direct the affairs of the paralegals."

The Paralegal Society of Ontario has also expressed their concern with respect to Bill 14 as recently as yesterday. In a letter addressed to the Premier and copied to all members of the justice committee, Ms. Eileen Barnes, president of the society, stated that, "The board of the Paralegal Society of Ontario along with the board of the Paralegal Society of Canada would like to express our dismay over this government's handling of the issues surrounding Bill 14. Despite an overwhelming number of presentations to the committee outlining the flaws in this legislation, this government has failed to address the fundamental issue of the conflict of interest in placing the Law Society of Upper Canada in charge of regulating paralegals."

Ms. Barnes went on to say that she feared she would be forced out of the business that she had carried on for the last 18 years in the area of uncontested divorces and Family Court paperwork. Although she indicated that she could go to work for a lawyer and perform this type of work under his or her supervision, she also had this to say: "Mr. Premier, what about my customers, most of whom are poor, immigrants and have no way of affording lawyers' fees? They will muddle through on their own, clogging up the Family Courts, taking up court, time or they will just give up in despair of ever reaching a resolution. This is not access to justice, and the people of Ontario deserve more consideration than they are being given."

Given these two reports by eminent authors, who heard from many individuals and organizations through extensive public hearings, and hearing the views from many paralegal organizations, what did the Attorney General do? He went to the law society and asked them to regulate paralegals. This defies any kind of logical analysis.

To their great credit, the law society agreed to take on this responsibility, and they should be congratulated for agreeing to do this. There's really no question that the law society could take on this responsibility; they are fully qualified to do this. The question really is, why should they when the Attorney General has given them an impossible job? How can the law society possibly manage to regulate paralegals when they are so adamantly opposed to it? They are in a no-win situation brought about by the Attorney General, who wants a quick fix to this situation. It's not fair to the law society and it's not fair to paralegals.

Paralegals have a concern that their activities and scope of practice will be significantly curtailed as a result of regulation by the law society. The problem is, it's hard to say because so little has been regulated in the terms of the legislation. Much has been left to the law society to determine by bylaws. This has caused an extremely high anxiety level among paralegals, who fear that they will be precluded from doing anything other than appearing in Small Claims Courts and Provincial Offences Act matters and that anything they do which may fall within the realm of solicitors' work, such as Family Court matters, will be forbidden to them. If the act does not prescribe



the type of work in which paralegals may engage, and if the paralegals are concerned that the law society may cut them out of certain kinds of work, how is the law society to deal with this in any kind of reasonable manner? More importantly, how does this provide better access to justice for all Ontarians?

We have heard from many Ontarians at the committee hearings, and also in many e-mails since the committee hearings were completed, that if paralegals are prevented from representing family law clients, in particular, there are many clients, particularly women of modest means, who will be left without any type of legal representation whatsoever. I think we can tell by many recent events that we really have a need to provide whatever support we can to women and men in family law matters. This is an area that has serious consequences for many people and really, really needs to be dealt with. Not everyone can afford a lawyer, but often people can afford a paralegal who can assist them with basic legal functions. It's important for there to be some measure of choice for the consumer so that all Ontarians, regardless of their income, can have access to some level of legal assistance.

This seems to have been totally disregarded by the Attorney General in presenting Bill 14. Bill 14 speaks about access to justice. In actual fact, if passed, it will do exactly the opposite, and for this reason we cannot support it.

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**The Deputy Speaker:** Questions and comments?

**Mr. Kormos:** I very much appreciate the contribution of Ms. Elliott, as the member from Whitby–Ajax, to this debate here. I also thank her for her effective contribution to the committee process. It was important that we had somebody with her background and with her skill sitting on this particular committee. I don't, though, doubt for a minute that she had and continues to have much of the same frustration that I had about the fact that this government is hell-bent on pushing this bill through in short order, whether it was done right or not, whether it addressed the issues or not, and whether or not the debate had been satisfactory, not from the point of view of volume, but from the point of view of reconciling some very distinctly different and disparate interests.

I'm going to speak in a couple of minutes' time about the bill to the extent that I can with the incredibly restrictive rules that this government imposes in the course of debate, because this government is no fan of debate, just like it's not a fan of question period. This government has evening sittings so that it can have sessional days without question period. It doesn't like having its feet held to the fire. This government uses time allocation as if it were kiddie Aspirin. If it doesn't get its way, it has a little standing-order temper tantrum and serves notice of a time allocation motion. That what this government does. This is the government that was supposed to be an advocate of democratic reform, democratic renewal. My foot. Horse spit. The farthest thing from it. This is a government that simply wants to get its own way, and to heck with the people it's hurting in the process.

**Mr. John Wilkinson (Perth–Middlesex):** It's always fascinating to go after my friend the good member from Niagara-left-of-centre.

I just want to say to my friend the member for Whitby–Ajax, I listened to her dissertation about what she felt were the flaws of Bill 14, but I think the Access to Justice Act is access to all.

After speaking with the Attorney General and particularly my good colleague David Zimmer, our member from Willowdale, he was able to explain to me that in my community of Stratford, in Mitchell, in Listowel, this is going to do a lot of good work to make sure that there's better access. One of the things that our friends from the Association of Municipalities of Ontario, AMO, were telling us is that we have justices of the peace who are very, very experienced, and they turn 70 and they have to retire. What this bill says is that they can continue to serve their community on per diems. I know municipalities were saying that they thought this was a wonderful idea.

I thought of my cousin Scott Campbell, who is a Stratford police officer: 17 years as a high school teacher and then he became a police officer. Part of his day is spent, not protecting those of us in our fair community of Stratford, but instead sitting around waiting to give evidence. I know, as the parliamentary assistant to the Minister of Research and Innovation, that our government has a commitment to innovation. The ability for those police officers to give video evidence so that their time can be maximized, not sitting around waiting for our court system, but instead doing their job, the job we pay them to do, the job that they love—they didn't sign up to be police officers to sit around waiting to give evidence. That we can actually bring them in so that at the appropriate time they can participate in the evidentiary procedure, I think, is going to free up our assets and allow our cops to be cops, which is what we need them to do; to play that special role when they have to give evidence as officers of the court and then get back to work. I think that's great for the taxpayers and the people of my riding.

**Mr. Wilson:** First of all, I want to compliment my colleague Christine Elliott, the member for Whitby–Ajax, for an eloquent 20-minute dissertation on the bill. I think she explained it very, very well and in very plain language so that a fellow like me, who's not a lawyer but was a court clerk at one time at old city hall, could understand it all.

The fact of the matter is, with what the honourable member across the way for the Liberal Party just said, there's a little confusion there. My understanding of the act is that everybody has to quit at age 70, which is a little unfair, because judges can stay on until age 75. I remember the old system, when you could go get a warrant from the local JP—Merle Miller was her name—in Wasaga Beach. You didn't have to go to Barrie; you didn't have to do it electronically. You could go to her house at one o'clock in the morning and you could get the warrant or whatever you needed for the police to do their job. Then when everybody moved to full-time



presiding justices, they became inaccessible. You had the structured court system with the structured times and all of the rules and regulations and labour rights that went around that, and you couldn't get warrants when you needed them.

I heard the honourable parliamentary assistant say that there is some flexibility, there will be per diem justices, but only those who are retired. Anybody else that's full-time and under the age of 70—let me see. See, there's the confusion: You have to retire in order to be a per diem justice so that there's flexibility in rural areas like mine, but you all have to quit at age 70. So I don't really understand how you're improving the system at all, frankly.

There are many other points to make. Fifty per cent of people in Family Court now, I was told at the town hall meeting I had in Collingwood three weeks ago on justice, are representing themselves—self-representing litigants. At least paralegals, as my honourable colleague said, can help these people out. Many of them are women of very few means. Not having enough court time in Collingwood means they're remanded, they're remanded, they're remanded. The lawyer sits around at \$200 an hour in some cases, sometimes \$300 an hour, all day, waiting for the case to come up. The case doesn't come up. It gets put off to another day. We only get two days a week. You're adding thousands and thousands of dollars of expenses to these people.

**Mr. Michael Prue (Beaches—East York):** I listened with considerable interest to the member from Whitby—Ajax, knowing full well that, prior to coming to this august chamber, she spent many, many years as a lawyer. So what she had to say I listened to intently.

She made five or six points that I felt were the most important in her speech. The first one is that with the advent of this bill, the cost to litigants is likely to go up. I want to show you that I was listening. I agree with her, because everything I have heard from the government benches does not indicate that this is going to save money for ordinary citizens. Everything appears to be heading to where they're going to have to spend more and more money to seek justice, whether it be from a lawyer, whether it be through the system, whether it be alone. It is simply going to cost more money.

She says that it's going to make more money for lawyers. Well, if ever there was a truism, this has to be it. If you ever get into any kind of litigious debate, if you ever find yourself in the court, in the end, it's not the two people who are fighting who end up with one winning and one losing. There are only two winners, and that's the lawyers who represent them. That is a truism. I think almost every Canadian and every Ontarian would agree.

She talked about the problem of the delay of the appointment of justices of the peace. I am stymied to try to understand why this government has not appointed justices of the peace and why they are so far behind. I don't know what that has to do with this bill, and she's hit it right on.

She talked about the mandatory retirement and the dates. I fail to understand the member from Perth—

Middlesex. I fail to understand what he's saying, because I think he does not understand the circumstances of what she has spoken about. She is absolutely right, that this is not going to work.

She talked about the paralegals needing to be regulated, and they do, but Dr. Ianni, where she closed off—self-regulation is probably the one that is, in the long term, going to work best, and this bill does not go there.

**The Deputy Speaker:** The member for Whitby—Ajax, you have two minutes to respond.

**Mrs. Elliott:** With the greatest of respect to the member from Willowdale, whom I have the greatest of respect for, I would say that the provisions in this act, while they state that they will provide access to justice for most Ontarians, in fact, really won't do that, because if you don't have choice in the system, if you don't have different levels of legal representation, from lawyers to paralegals, you can't possibly provide justice for all Ontarians because not everybody can afford a lawyer, and we heard a lot about that. It's not necessarily to say that paralegals will not be able to work in non-advocacy roles, but certainly there is that fear on the part of paralegals, and I have no doubt that there will be some considerable degree of pressure on the Law Society of Upper Canada in order to keep those areas restricted because that's what, frankly, most lawyers practise in.

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So again it's putting the law society in an untenable position in having to deal with this, and at the same time potentially cutting out access to justice and to court and legal representation of some kind for many, many Ontarians, people who are simply not able to afford a lawyer but who need help. They need help with filling out court paperwork, they need help with filling out files, particularly in Family Court matters, where there are essential interests that have to be protected, particularly around custody and access to children—children being our most vulnerable citizens. Their rights need to be protected, and there has to be some way of protecting them, if not by a lawyer, then by a very competent paralegal, who I've no doubt could do a good job for them.

**The Deputy Speaker:** Further debate?

**Mr. Kormos:** I'm pleased to be able to participate in this debate. Here we are. It's been a long, long haul. I remember all the way back in the late 1980s, when the drive for regulation of paralegals began. It was a Conservative backbench private member's bill that first provided some sort of legislative framework for regulation of paralegals.

But here we are, having had all this time, and my sad, sad fear is that perhaps out of frustration and perhaps out of eagerness, perhaps out of ambition, we're proceeding with a bill that is far from fully written. This is another Bryant bungle, another Bryant boondoggle. The last time we went through this exercise was with the Bryant pit bull ban, the one that was so inadequately contemplated and considered and so driven by politics and personal ambition and so driven by the media photo op that we ended up with legislation that threw out such a broad net



that even Staffordshire terriers were included, the so-called nanny dogs of Britain. Michael Bryant, in his zeal and in his indifference to the evidence—all of the evidence—just banned breeds helter-skelter. We urged him to ban vicious dogs, but he'd have none of that. I quite frankly wish that this bill were about banning bad paralegals and ensuring that the ones who are recognized as paralegals are qualified, disciplined and well-trained professionals. But no; just like with the pit bull legislation, Mr. Bryant this time, rather than banning pit bulls and Staffordshire bull terriers, is going to ban paralegals. That's wrong.

That takes me nicely—I hope the folks who are interested in the precise and specific focus of Bill 14 won't mind—to the fundraising efforts of the Staffordshire Bull Terrier Club of Canada. They are challenging constitutionally the so-called pit bull ban, amongst other things because a Staffordshire bull terrier is not a pit bull, nor is it in any way, shape or form a *prima facie* vicious dog. So what they're doing is selling these calendars, and if you want one of the calendars you can go on your Internet, your keyboard, to [www.staffordcanada.com](http://www.staffordcanada.com) and order one of these calendars. It's called "Beautiful Staffies"—Staffordshire bull terriers—"and their ladies."

**The Deputy Speaker:** The member for Niagara Centre, we might as well get it established early: You can put the calendar down and you can speak to Bill 14, please.

**Mr. Kormos:** But Christine of August 2007—

**The Deputy Speaker:** Put it down, Mr. Kormos. Put the calendar down. You can sit down while the Speaker is standing. Now, if you're ready to proceed on Bill 14, please do.

**Mr. Kormos:** Thank you kindly, Speaker. If I've done anything to offend you, I apologize. If your lunch did anything to disturb you, I apologize on behalf of the cafeteria.

I do want to reflect on Mr. Bryant's persistent bungles, but it is Thursday and people are tired. Some people are going to be crankier than others.

**The Deputy Speaker:** You know that in this place we don't refer to each other by name. You can refer to him by title. Please, we'd like to hear your debate; but on Bill 14, and in the manner that we're accustomed to in this place.

**Mr. Kormos:** Well, I'm so pleased that we're accustomed to referring to members by their ridings.

**The Deputy Speaker:** I said "title."

**Mr. Kormos:** "Title." Well, Mr. Bryant, of course, is the Attorney General, and he is the member for some downtown Toronto riding. Whether or not he lives in it, I don't know.

*Interjection.*

**Mr. Kormos:** But he screwed this up too. He couldn't handle the breed-specific ban legislation, and what's consistent is what that big, brave Attorney General does after his photo op: He sends in his parliamentary assistant to carry the pit bull bill through the Legislature and through committee.

And what did he do again? In the most despicable of ways, the Attorney General fled from this bill. He fled from this legislation. He was nowhere to be seen. It was like playing "find Waldo"—

**Interjection:** "Where's Waldo?"

**Mr. Kormos:** "Where's Waldo?", Mr. Speaker? Where's the Attorney General?

The parliamentary assistant did all of the heavy lifting. The parliamentary assistant had to swallow his pride and his dignity, read the marching orders and steward, if that is an appropriate word at all, this incredibly, incredibly embarrassing mishmash through a committee hearing that I tell you observers found bewildering, at times outright amazing and, at the end of the day, thoroughly disgusting: government members voting on sections when they had no idea as to what they were about; none. Your colleagues, government members, voting for sections of Bill 14.

1700

Which of the paralegals is going to produce a calendar to raise funds to defeat Bill 14 once it becomes law? Will they pose with their Staffordshire terriers, like members of the [staffordcanada.com](http://staffordcanada.com) club have, or will they pose with Ontarians of modest means who can't afford to pay lawyers and who want and need trained paralegals to guide them through, oh, Family Court matters?

I want, at the very outset, to specifically thank research officers Margaret Drent, Avrum Fenson, Philip Kaye and research assistant Sal Crisanti. I want to thank them because they produced voluminous material in response to queries put to them by members of the committee. I probably did more than my fair share, and I apologize for the pressures they had to work under, but they delivered stellar material. They deserve credit for their contribution to what was otherwise a rather unsavoury and distasteful exercise.

I want to thank those people who appeared in front of the committee. There were so many of them, but it was especially delightful to have some young paralegals in front of the committee. One of them was Susan Koprach, who is bright, well educated, eager, ambitious, and just so enthusiastic about the prospect of working as a paralegal in a regulated profession; and David Kolody, who appeared in front of the committee with an incredibly effective contribution.

That takes us to this insidious little piece of legislation that deals with amendments to the Courts of Justice Act, that is going to permit either plaintiffs or defendants in medical malpractice—oh, this government is in the back pocket of the insurance companies once again. For the life of me, it's déjà vu all over again.

I remember the first time I got to Queen's Park back in 1988. It was a Liberal government, no more competent than this one, that was in the course of imposing no-fault insurance on innocent victims across the province of Ontario; I remember that as if it were yesterday.

*Interjection.*

**Mr. Kormos:** You weren't here. It was a government that was bending over backwards to accommodate the insurance companies.



Are there advocates who support eliminating the judge's discretion when it comes to awarding so-called structured settlements? Of course there are. I'll be darned. Why, if I wasn't just taken aback to see that the Canadian Medical Protective Association advocated that. Well, no spit, Sherlock. Of course they did. They're the insurers for doctors. They can call themselves a co-operative of doctors or whatever it is. They're the insurers for doctors. They thought it was a wonderful idea that a plaintiff—don't forget, we're talking about innocent victims. We're talking about people who've been left paraplegics, quadriplegics, as a result of medical malpractice, people, quite frankly, for whom no amount of money can ever make them right. This government's going to let the defendant, the perpetrator of the harm, dictate how that person's award in court is going to be set up, either by a structured or lump-sum payment? I think not, but I regret so.

It was not a very honourable moment for this government to knuckle under to the insurers. We're not talking about huge numbers of cases. Medical malpractice in this province, in this country, God bless, is not a common occurrence, nor do our courts entertain frivolous claims. But when there is a successful claim, it means that somebody's been hurt real bad. I'm not talking about a broken arm that heals in a couple of months' time. I'm not talking about maybe a little scar on the neck from an improperly lanced boil. We're talking about horrific injuries, life-altering injuries. We're talking about people whose lives will never be the same.

You see, David Kolody is the young father of one of those victims—he and his wife, Deirdre McIsaac. He came as a layperson. It was a very sophisticated presentation; it was a well-studied, a well-thought-out presentation. He pointed out to the members of the committee the injustice of depriving the judge of discretion, because, you see, this bill—Mr. McGuinty's bill, the Liberal bill—compels the court to listen to the defence lawyers when there's an innocent victim and let them decide how the judgment will be awarded. Mr. Kolody also pointed out the weaselly—Liberal weaselly—ineffectiveness of the provision that purported to protect that structured settlement from inflation.

Mrs. Elliott was there. She heard. She read the bill and she understood. Government members were there, and they heard too. They didn't give a damn, because they had marching orders and they were going to do their master's bidding.

I don't care at all for myself—like the parliamentary assistant, I'm a middle-aged male, and if we should succumb to some sort of injury as a result of medical malpractice, well, to be quite fair, we're in our middle ages—but I care about the kids. Childbirth, as you well know, is one of those areas where sometimes significant injuries can occur. We're not talking about the balance of 15 years of some middle-aged person's life; we're talking about kids, babies, who have got 60 and 70 years left to their lives.

Mr. Kolody—David Kolody, the dad—wasn't there for himself; he was there for his kid. Because, you see, at

some point David Kolody knows that he and his wife, Deirdre, aren't going to be around to take care of that disabled child because they're going to be old and at some point dead. So they were there fighting for the parents of innocent victims of medical malpractice who want to make sure that the victim can control to a reasonable extent the way an award is structured to best provide for that innocent victim through the balance of their horrifically altered life. Oh, and it only applies to medical malpractice. How cute. How revealing. How embarrassing.

1710

Let me talk about schedule B. There may well be people who preferred it when I was talking about the pit bull legislation, but let me talk about schedule B. Justices of the Peace Act reform? Who do you guys think you're kidding? The incredible dishonesty contained in statements like, "As soon as we get this bill passed the flood gates will open"—said Crone, referring to the failure of this government to appoint adequate numbers of justices of the peace in municipalities across Ontario.

This bill has nothing to do with Dalton McGuinty and the Liberals' failure—oh, Premier McGuinty and the Liberals' failure—to appoint adequate numbers of justices of the peace, or to appoint qualified ones. You had a chance. You had a chance, during the discussion of this bill, to talk about dramatically altering the nature of that bench.

Young Paul Hong—those of you who bothered to be in the committee room will remember him. He was the Osgoode Law School graduate, also Richard Ivey School of Business graduate, currently enrolled in a master's program at the Royal Military College of Canada, a bright young man. He came to us with his recently published paper, *A Second Look at Justice of the Peace Reform in Ontario*, published in the *Criminal Reports*. I'm extremely grateful to young Mr. Hong, because he was the only person who came forward with meaningful contributions to the discussion around JP reform. He raised, very appropriately, the question as to whether or not we should be maintaining a lay bench here in the province of Ontario. There were contra views, and while I won't purport to speak for him, I know that the member for Leeds–Grenville has some strong views about maintaining a lay bench, and he may well speak to those when he does his lead next week.

It's an important debate, and it didn't take place. Opposition members called upon this committee to defer clause-by-clause because we hadn't heard from a single justice of the peace about the proposals in this bill, and we thought it was incredibly important that we get a better understanding of the adequacy of training on that bench and of the effectiveness of the selection process.

There was something incredibly revealing, though, in the government's own legislation. You see, I think this government is full of hokey, on a good day, when it says it's going to upgrade the JP appointment process.

I've known some brilliant and outstanding justices of the peace. To name a couple, and I don't mind doing it at



all, people like Tony Argentino, now dead, a former police officer, an outstanding justice of the peace; cops weren't crazy about his rulings from time to time, but an outstanding justice of the peace nonetheless. Gabe Tisi, a lay JP, worked in the lab at Atlas Steels; an outstanding justice of the peace, bilingual. Morley Kitchen had been a provincial prosecutor down in Welland, a former RCMP officer, provincial prosecutor, justice of the peace; a brilliant JP.

But oh, I could name so many dogs, political hacks who had no business sitting on the bench. They had no business signing a parking ticket information, never mind hearing evidence and adjudicating—political hacks, nothing more, nothing less. The problem with that bill is that the government has maintained the JP appointment system as a process to reward its political friends. How do I know that? Because it calls upon the screening committee that hears applications to recommend highly qualified applicants, but also merely qualified. That means the Attorney General wants to go fishing in that pond, making sure it's well stocked. Hell's bells, Speaker. Why would we want merely qualified when the committee is being told they should be recommending highly qualified? Can you figure it out? Didn't think so. What that means is that this government has no intention of cleaning up the JP appointment process. It didn't want to debate that, either.

I think there should be some consideration to abandoning the lay bench. The JP is the most critical player in the justice system. He or she is the person who can deprive a person of their liberty, like that, by signing an arrest warrant, by denying an application for a release order during a bail hearing. A JP, the most critical link in the chain of the administration of justice, she or he, like that, can thoroughly violate your privacy by issuing a search warrant so that every corner of your house is turned inside out and upside down and the contents of dresser drawers are left strewn on the floor of your home—an incredibly powerful role. A very important one, because just as he or she, just like that, can deny an application for release during a bail hearing, he or she can grant an application without a thoroughly adequate consideration of all of the facts, so that you've got gun-toting killers killing people while they're out on bail.

I say this government not only dropped the ball when it came to justice of the peace reform, but betrayed the people of this province. What a lost opportunity. What a lost opportunity, because don't think that the next government is going to be eager to open this stuff up.

Schedule C: What a half-hearted, half-baked, insincere, lazy, irresponsible, outright negligent exercise at creating a responsible regulatory regime for paralegals in this province. Ianni, Cory: the first a requisition by a Liberal government that was soundly defeated in 1990—the government, not the report; the second by the Conservative government in its second term.

1720

While Dr. Ianni is no longer with us—he's dead—his report is. I've got the executive summary here. Mr.

Justice Cory sure as heck is here. One of the fundamental observations that Cory made—a fundamental premise—was that there is a conflict of interest between lawyers and paralegals. You may not agree with Judge Cory about his recommendations in terms of oh, let's say, scope of practice. I know that he rattled some cages when that report was released. You may not agree with him, because that's something about which there can be honest disagreement. Unfortunately the government had no interest in debating scope of practice during the course of the consideration of Bill 14 by either this Legislature or by the committee. Did you know that, Speaker? You do now.

You may disagree with Cory about the recommendations on the scope of practice, but there wasn't a single word said by anybody from the government, the Ministry of the Attorney General, the law society or anybody else, for that matter, who addressed the problem that was created when Judge Cory said that lawyers and paralegals have a conflict of interest. It was crying out to be addressed. I would dearly have loved to hear it being addressed, but nobody did.

Once again opposition members—Mrs. Elliott, Mr. Runciman, I—pleaded with the committee to defer its clause-by-clause consideration until we could have a chance to invite Judge Cory to appear before the committee. Maybe he had changed his mind. Maybe we were misinterpreting—although for the life of me, he said it so bluntly and clearly and concisely that I don't think we were—what he said about that conflict.

The government's got a real problem, and now it's created a problem for the law society and created a problem for the paralegals. The problem was, you see, that there wasn't any single significant group or community of paralegals that agreed with the proposition of the Law Society of Upper Canada regulation of paralegals that was contained in the bill.

St. Brian Lawrie: I say he's the patron saint of paralegals because he fought the fight. The law society went after him all the way to the Court of Appeal, trying to shut him down. Brian Lawrie is a former police officer who was defending people in provincial offences court, Highway Traffic Act court. He's a brilliant advocate. POINTTS, which is the company that he is the spokesperson for, is a major player and is one of the finest paralegal operations in this province; make no mistake about it. They're very limited in their practice. They do Highway Traffic Act defences. I'm familiar with some of them. Bruce Scott, down in St. Catharines, is just a brilliant advocate and does tremendous work. Mickey Parker works with him as well from time to time.

If all paralegals were POINTTS, then Brian Lawrie wouldn't need a regulatory regime. But they're not all like Brian Lawrie and POINTTS. Brian Lawrie, like more than a few who came forward, said, "Well, okay, if the law society was going to regulate us, so be it." And then we had the list of "buts" and "however's," remember? But Brian Lawrie is but one person. You see, I'm interested in contrasting Brian Lawrie and POINTTS



because Brian Lawrie and POINTTS Highway Traffic Act defences are entitled as such, by law, as agents to represent people. You see, they don't have as big a stake in this bill as some other paralegals do.

It's trite to note that there is a crisis in our Family Courts with respect to unrepresented litigants—usually women, usually low-income or downright plain poor women, women with no means whatsoever or the most limited of assets, many of those same women working at minimum-wage jobs. I take a little flak from some of the members here because of comments I make about how MPPs, notwithstanding maybe long hours, don't exactly do a whole lot of heavy lifting. I remember one government member was particularly upset because I was quoted as saying that the most likely injury an MPP was likely to get in the workplace was a paper cut or maybe a bruised ego. But it's true.

You know who works hard? Single moms raising families. They work hard. Down where I come from, they get employment in Niagara Falls in the hospitality industry in high-rise hotels. Single moms who work cleaning hotel rooms during the day and then do a 7-Eleven shift during the evening—huh?—for minimum wage or just a few pennies above it. They work hard.

You see, but notwithstanding that they work that hard and notwithstanding that their legs are just pounding from being on their feet all day, when they have to protect the custody of their kids, for instance, they can't afford the \$300, \$400, \$500 an hour in legal fees that highly staffed law offices charge. Legal aid certificates don't do them any good because most lawyers won't take legal aid certificates. And the lawyers who do know that they can't charge for enough hours because the legal aid certificate is capped in terms of the number of hours of time that a lawyer can spend on the file.

I don't know with certainty whether or not paralegals should be permitted to operate in the Family Courts in the practice of family law. But I do know that there's a need, and I do know that if there's a need, there's a need for that to have been debated during the course of the discussion of this bill. Why weren't other committee members as interested? I would very much have wanted to hear from, well, some Family Court judges if there have been problems with paralegals, if there have been concerns about the level of training, because if there have been concerns about the level of training, let's talk about the training standard for paralegals who are going to operate in Family Court, representing these low-income women who are in dire need of advocates.

I suspect there's a whole lot of folks who simply don't understand how frightening and intimidating it is to be standing in one of these courtrooms. You've got the judge sitting up there with the black robes and the red sash or the green sash or the black sash, and people are curtsying and bowing, and bringing him or her glasses of chilled water, and there's all sorts of pomp and "oyez, oyez, oyez." The clerk calls out the names and all that stuff. It scares the hell out of most of the people—it scares the hell out of more than a few lawyers who

appear. It's an incredibly intimidating environment, it really is, especially for a person who has maybe not had a whole lot of sophisticated exposure to the legal world, for a person whose only exposure has been a television drama series.

1730

Surely we can set standards of education. Surely we should have at least discussed it to facilitate paralegals representing people, at least in some of those initial stages, in more simple levels of family litigation taking place in our family courts. It would have been helpful to the courts too.

One of the things a judge dreads most is unrepresented litigants. The judge has to enter the fray then. The judge has to be hyper-cautious in terms of how he or she responds. The judge has to assist in the course of examining and cross-examining. Really, it takes a whole lot more time for a case, a trial, a process, with unrepresented litigants to go through the process, to go through the system, than it does with represented litigants.

What was interesting is that the law society's task force of paralegal regulation recommended in its recommendation 1 that paralegals not be permitted to appear in family court. It's right there. Paralegal task force, Law Society of Upper Canada: no representation by paralegals in family court. Not interested, wink, wink, nudge, nudge, Mr. Parliamentary Assistant.

The subcommittee is going to have paralegals on it, but the ultimate decision is going to be made by the benchers of the law society, on which there will be how many elected paralegals? How many? An equal number? Maybe one-third? How many paralegals? Two. Give us a break and come clean for once. Two. That's an insult. The games you've played with these people, actually letting them think you're going to have paralegals on the subcommittee and they'll make recommendations. The recommendations have already been made, and they're pretty darn clear.

Whether it's government indifference or outright laziness—I suppose we'll wait for your memoirs, Mr. Parliamentary Assistant—or whether it's simply washing your hands of the whole affair because you're tired or you're bored, the attention deficit disorder has kicked in and you say, "Ah, to heck with it. We don't have to bother with the paralegal issue anymore. It's become tedious, it's become too hard. We'll just call the law society and ask them."

"Oh, the paralegals are not mature enough to be self-regulating." That may be true. Then why didn't you read Ianni, because he talked about the need for the government to set up a registrar of paralegals. The Ministry of Consumer and Commercial Relations: Set up a registrar of paralegals. In short order, you'll have cleaned out the bad ones, you'll have set the standards. It seems to me, where I come from, that they would be as ready to self-regulate as real estate people, mortgage brokers, car salespeople—oh, lawyers. I mean, if it's six of one, half a dozen of the other, why don't you set up a paralegal



regulatory body and let them regulate the lawyers? There's nothing to fear. What the heck?

There was no consideration whatsoever of assuming the totally appropriate state role of being the regulatory body as the state until such time as there can be self-regulation by paralegals. Shame. You had the chance and you blew it.

And it's not just academic. There are folks out there who need these services. Family law: crisis—literally a crisis. It's pretty darn clear to me—read the report from the law society—that there's no intention whatsoever on the part of the law society of letting paralegals appear in provincial court, criminal division, defending summary conviction matters. The very specific exclusion of matters under the Criminal Code—you're not even going to let a paralegal appear in a provincial court on behalf of someone who's been named in a peace bond application, where there's no criminal conviction involved, are you? What a disservice. Access to justice? Horse feathers. There's nothing about access to justice here.

I want to draw this Legislature's attention to what, for me, was just illustrative of this whole distasteful process. When we reached section 26 of schedule B, I specifically wanted the committee to have to consider section 26 by itself. Section 26: "Every person who is licensed to practise law in Ontario as a barrister and solicitor is an officer of every court of record..." You notice that it very specifically excludes paralegals.

So the traditional lawyers are officers of the court. I knew that, Mr. Zimmer knew that, Ms. Elliott knew that, because we're lawyers. Why would you exclude paralegals? What kind of substandard status does that create, or is there no intention whatsoever of ever letting them appear in a court of record? Think about that, huh? You ain't exactly David Copperfield, you know. We see the strings being pulled: "Oh, look over there, guys." Come on, it wasn't that smooth. It was some pretty clumsy sleight of hand.

1740

But even more dramatically, I certainly wasn't going to in that committee purport to be able to provide a definitive explanation of what constituted an officer of the court and what that meant, what the rights and obligations were. The other two lawyers weren't in a position to do it either. The bureaucratic staff, who provided extremely high levels and qualified levels of assistance, weren't prepared to do it either. They didn't know. Nobody could answer that. So here we were, we were faced with a section to be voted on, and nobody had any idea what it meant. You get what I'm saying? It was dumb and dumber all over again. Nobody had any idea.

You see, several days earlier I had asked legislative research to prepare a paper on that. Because of the huge workload that legislative research had, the paper wasn't available on the day that we had reached section 26 for clause-by-clause voting. So once again I said, "Look, there are people watching us here. You know what I mean? We've got an audience. This is a little embarrassing. Nobody in this room, neither government caucus

or opposition caucus and their members, has any idea what this means. And it clearly means something, because you've excluded paralegals from the status or role or function of officers of the court. Yet you're saying you're ready to vote. How could you be ready to vote on it when you don't know spit from shinola as to what it means?"

Is that responsible legislating? Is that mature, intelligent legislating, you being caught with your knickers down at your ankles like that, not knowing what you're voting on but being prepared to vote for it anyway? Opposition members asked, very politely, believe it or not, for the vote on section 26 to be held down until we could get the paper from Ms. Drent. The government refused. On a recorded vote, I refused to vote on this section, because I think it's the height of irresponsibility to vote for something about which you know nothing. I wasn't even prepared to pretend that I knew what it meant, or to wing it, or to feign knowledge. I said "No, look, we clearly don't know what this means and what its effect is and what its impact is, and it could be important. Why don't we just hold it down?" But the marching orders from the bunker were to the contrary. I don't know what people were—"Oh, it could be a trick." What the heck were people thinking? And the shamelessness of the government members, there wasn't even a hint of a flush when they voted for a section that they acknowledged they knew nothing about and had no idea what impact it had. Do you remember that? There wasn't even a little flush up the neck showing some modest embarrassment.

Ms. Drent has since delivered her paper, and indicated in a very articulate way that being an officer of the court, having that status, that role, imposes some pretty serious responsibilities on the person—in this case, and up till now, only lawyers, who are officers of the court—a duty on that person not only to his or her client, but to the law and the court itself. Why shouldn't paralegals have that same duty—unless you have no intention whatsoever of ever letting them appear in courts of record. And if you don't have any intention of ever, ever, ever letting them appear in courts of record, then have the guts to say so, rather than simply force this bill and sections like this through committee.

I regret not having more time to address this whole issue, but the clock is running out. I didn't want to finish my comments without speaking about the lost opportunities when it came to the amendments to the Limitations Act. I understand—and I want to speak about immigration counselling. Yes, you bet your boots I do, Parliamentary Assistant, Mr. Zimmer.

This government had an opportunity to address the concerns of seniors who were being ripped off by bad and incompetent and outright criminal investment and financial advisers. I know the government explanation, and that is that the clock on a limitation doesn't begin to run until one becomes aware of the misdeed or the act that gives rise to the action. I understand that's the drafting that the smart young people in the Ministry of the Attorney General do late at night when they're



writing stuff for the minister and his or her parliamentary assistant. I don't buy it. I don't think we served those victims of investment fraud very well, and I find that regrettable.

I also find it so unfortunate that one of the biggest scam areas out there is in immigration counselling, immigration advocacy. Why, even Jimmy K. is reported as being in the business from time to time.

*Laughter.*

**Mr. Kormos:** Mr. Zimmer chuckles, not inappropriately at all. I'm not being critical of him. I find that rather humorous myself.

Nobody in the government was prepared to resolve the incredible potential for this province's inability to regulate bad immigration counsellors and consultants as paralegals in light of the federal self-regulatory regime established in an indirect way by the federal government.

I use that as but my final, although certainly not my only—and there are oh so many more—reason to tell you that this bill is not ready to be put to the Lieutenant Governor for his signature. Again, you missed the boat. I don't think you can stand up here and assure us that all the scam artists out there parading as immigration counsellors and consultants are going to be covered by the regulatory regime for paralegals. I don't think you can say that to us. That means that some of the most horrendous rip-offs and ones with serious consequences—you see, if people's refugee application files are screwed up, they get sent back to where they come from. Sometimes that means you get shot, you get imprisoned, you get hung, you get slaughtered. It's really a life and death sort of thing, isn't it? The issue was raised, there was some modest discussion, but you missed the boat.

1750

You've got a whole lot of people mad at you. Like others, I've been getting e-mails from a whole lot of women because—you talk about being irate—they feel betrayed, particularly people like Kaitlyn Kavanagh from St. Catharines, people like Delia Plastina from North York, people like Ana Canario from Cambridge, people like Amanda Foerster from Kitchener, people like Deborah Peters from St. Clements, people like Anna DiSalvo from Bolton, people like Marisa Pincente from Bolton, people like Julia Pincente from Brampton, Ava Pincente from Brampton, Helen Bauer from Kitchener, Tammy Forwell from London, and a whole lot more. I refer you to the ones I have because it illustrates—these are folks from across this province. They aren't political hacks. They aren't paralegals. They're people who understand how important a properly regulated paralegal regime could be to women and their kids.

It's a bad bill, Mr. Zimmer. Did I tell you New Democrats won't be voting for this? We're not going to tolerate this sort of stuff here in this Legislature.

**The Deputy Speaker:** Questions and comments?

**Mr. Zimmer:** I just want to address one thing, and that is the business of the paralegals. The regime today is

that there are paralegals out there without any real definition. They're paralegals, really, by self-definition.

It seems to me that one of the best things we can do for the public, and particularly women who find themselves in need of legal services and so on, is to ensure that when they go to a paralegal, they have the benefit of knowing that that paralegal has been through a required training course and has met certain standards and has certain expertise that that person can rely on.

The second thing that the consumer should be able to rely upon, in addition to the standards and the training, is that there's insurance if something goes amiss and the whole deal falls apart and there's harm suffered by the person, just the way lawyers have insurance to protect themselves and to protect the public from their negligent acts or errors and omissions.

The third thing that I think someone who goes to a paralegal should be entitled to is a complaints process whereby if the paralegal did not act properly for them or was guilty of some misfeasance, they could have their complaint about the paralegal addressed and have certain disciplinary proceedings initiated against the paralegal.

What this regime does is it makes a level playing field. When people now go to a paralegal, they have none of those protections: standards and training, insurance, and a disciplinary process. If we provide those three things, it will be a better system for the end user.

**Mrs. Elliott:** I would certainly agree with the member from Willowdale that it is important to have paralegals regulated, that there be certain standards, that there be certain minimum educational requirements. Of course, that's a given. But, respectfully, I don't think that's the issue.

The issue is, what can they be allowed to do? All the education and all the regulation in the world isn't going to help all the women whom we've been hearing from—e-mail upon e-mail upon e-mail from women across Ontario who are telling us that they're very, very concerned that paralegals are not going to be allowed to work in any family law matters whatsoever. I would agree that whether they should be acting as full counsel or in a very restricted manner is certainly open to question, but the fact of the matter is that we've never even discussed it, because it was never on the table. The scope of practice for paralegals has been left to the law society to determine by bylaw.

This is, in my respectful opinion, something that we should be dealing with as members of this Legislature, because it is a matter of fundamental importance and it does put the law society in a really untenable position. They're going to be pressured on the one side by lawyers who want them to restrict paralegals and on the other side by paralegals who are going to be wanting to do certain things.

The law society is going to have to make a determination about this. With all due respect, it is not something that, in my view anyway, they should be determining, because they are conflicted on this position.



I think that's really the issue we need to grapple with and something we never really heard about in committee: what paralegals should be licensed to practise in, what areas they should be allowed to work in and what areas they shouldn't be. But that matter never even came up before the committee, and I think that's a great shame.

**Ms. Shelley Martel (Nickel Belt):** Let me make a couple of comments with respect to the speech that was made by my colleague. I have received all kinds of letters, from seniors' groups in particular who are extremely concerned about the statute of limitations, any number of them who begged MPPs to do whatever they could to ensure that this would be at least six years. This was raised with the government, many of these were read into the record and the government refused. Also, when the government talks about how they want to protect seniors and even have a minister responsible, why is it that the government couldn't see to make its way to doing that small but very important thing on behalf of seniors?

Secondly, from time to time I turned the television on and watched these proceedings as the public hearings were taking place. I found it so very interesting when my colleague would ask some of the groups who were before the committee, particularly the paralegals, did they support this bill? And he did it because the Attorney General, when he brought in the bill, was quick to point out that he had the support of paralegals in terms of the legislation he was putting forward. But time after time, when Mr. Kormos asked paralegals who made presentations, did they support the bill, were they in favour of the provisions, the answer was, "No, no, no, and no yet again." I don't know where the Attorney General was when he was drafting this bill, but he sure wasn't sitting with the paralegals, talking with them about legislation that would be appropriate to regulate their profession.

But at the same time, I'm sure there are still professionals out there who can provide low-cost legal advice to so many people, particularly women, who frankly can't afford lawyers' fees. At the end of the day, we certainly haven't resolved that issue. We've just made it a whole lot tougher for a lot of women to actually access justice in the province of Ontario.

**Mr. Bob Delaney (Mississauga West):** I'd like to mention two words that Bill 14 will take out of the practice that paralegals engage in, and those two words are "caveat emptor"—buyer beware. This establishes minimum qualifications for paralegals. In laymen's terms, what does it do? It protects the good ones and gets rid of the bad ones. At the moment this House is debating another bill, Bill 124, which helps people with qualifications get down to work. Here we have Bill 14, which helps people without qualifications either get themselves certified or find something else to do.

This brings to mind the paradigm other members have brought up: the single mother who might need legal representation. How does this individual sort through the

qualifications of all the people representing themselves as able to defend this particular person in a legal matter? Bill 14 says that, once enacted, you'll be able to assess whether or not this particular person might or might not be qualified, might or might not be able, might or might not be experienced to do the work for you. You'll be able to have a common standard, a level playing field in which you can look at the person and say, "Okay. I understand where you've been trained; I understand what you're qualified to do. I can now make a better-quality decision on whether or not, in this particular legal matter, you can represent me." It applies as well to corporations. If, for example, a particular paralegal is just expert in drafting documents, it might well take a small business. If they would otherwise get bad advice, by enabling them to assess the qualifications of a paralegal, they can make a better decision on where to get good work done.

**The Deputy Speaker:** Member for Niagara Centre, you have two minutes to respond.

**Mr. Kormos:** You just don't get it. There are a whole lot of folks out there who aren't that sure that the law society has been that effective at protecting them from incompetent and negligent and criminal lawyers. How the hell is it supposed to do it with respect to paralegals? That's one of the fundamental hurdles you've to overcome here. Please.

Dental hygienists, who have to work in a dentist's office with a dentist present, can't work as stand-alones, are regulated by their own regulatory body, a self-regulatory body. Paralegals who are to be practising on their own, not under the supervision of a lawyer, are going to be denied a regulatory regime that is unique to paralegals. Why do we have numerous regulatory regimes? Why don't we have just one big regulator for everybody: for car salesmen, for insurance salesmen? Because there are cultural distinctions between these various professions. Different professions have different needs and different areas of expertise. That's why you have a College of Physicians and Surgeons of Ontario as compared to a similar college of dentistry, but the two aren't combined. That's why chiropractic is regulated by yet another college.

I say to paralegals, if you've got to raise money to fight it, consider the calendar that the [staffordcanada.com](http://staffordcanada.com) people did. If anybody wants a copy of that calendar—and here's July with a Staffordshire terrier—just drop me a note and I'll send you a copy of the [staffordcanada.com](http://staffordcanada.com) calendar. I'd be pleased to share it with you; otherwise, go on their website, [staffordcanada.com](http://staffordcanada.com), and for a \$20 donation to their campaign, you'll get your own copy of the calendar.

Thank you kindly, Speaker. I've enjoyed working with you today.

**The Deputy Speaker:** It being past 6 of the clock, this House is adjourned until Tuesday, October 10, at 1:30 of the clock.

*The House adjourned at 1802.*



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**Tuesday 10 October 2006**

**Mardi 10 octobre 2006**



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 10 October 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### GERMAN PIONEERS DAY

**Mr. Frank Klees (Oak Ridges):** Ontario is the first province to officially recognize the historic and ongoing contributions to our society of Canadians of German ancestry by proclaiming the day following Thanksgiving Day in each year as German Pioneers Day.

I was privileged today to attend a flag-raising ceremony in front of the Legislature in honour of this occasion. Among the honoured guests in attendance were Dr. Klaus Rupprecht, Consul General of the Federal Republic of Germany in Toronto; Karl Ruppert, the president of the German World Congress; and Mr. Gerry Meinzer, the founding president of the German Canadian Congress.

The emigration of settlers of German origin to Canada began with the coming of the first Loyalists at the end of the 18th century. In the 1820s, people of German origin in Ontario made up a full 70% of the entire population of Ontario.

Famous German Canadians included Fathers of Confederation William Steeves and Sir Charles Tupper, Canada's sixth Prime Minister; Prime Minister John Diefenbaker; and Governor General Ed Schreyer.

As a proud German Canadian, and on behalf of John Tory and the official opposition, I would like to take this opportunity to congratulate our German community for its pivotal role in the historic and continuing development of Ontario—socially, culturally, economically and politically—on this German Pioneers Day 2006.

#### ONTARIO LEGISLATIVE QUILT

**Mr. John Wilkinson (Perth-Middlesex):** This spring, my colleagues Andrea Horwath, Julia Munro and I asked all MPPs to donate a piece of fabric and their signature to create the Ontario legislative quilt. It will be auctioned off October 24 for The Quilt: A Breast Cancer Support Project's annual Toronto auction.

Today we were honoured to unveil the quilt, created by Rosemary Schaefer of Kirkton, here at the Legislature. I am pleased to report that the generous contributions of all members have made this quilt truly representative of Ontario.

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 10 octobre 2006

Of course, today's unveiling would not be possible without the inspiration of my friend, breast cancer survivor and founder of The Quilt, Carol Miller. Founded in 1997 by Carol, The Quilt project is now in its eighth season. This year, 412 donated quilts from all across Canada will be auctioned off to support women and their families affected by breast cancer. Events are held in Calgary, at the Stratford Festival and in Toronto's Distillery District. To date, 2,200 quilts have been donated, and the project has surpassed \$1.1 million in proceeds. One hundred per cent of the money raised through the sale of these quilts is directed to breast cancer support.

In view of today's momentous unveiling, I'd like to thank Carol, her Circle of Friends support group and all of members of this Legislature for their support and generous contributions to the Ontario legislative Quilt.

I would also seek unanimous consent to display The Quilt until Thursday here in the legislative precinct, for all members to see this unique, beautiful and historic piece of art.

#### NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand-Norfolk-Brant):** This coming Sunday, October 15, there is a proposed rally in my riding of Caledonia, and the McGuinty government has declared it will keep the event safe. For me, safety is a top priority.

The Toronto Star reports, "The provincial government doesn't have any plans to either sanction or stop the rally."

Minister Ramsay's spokesperson Anne-Marie Flanagan was also quoted in the Toronto Star as saying, "We'll monitor and take appropriate action to make sure people are safe." Further to this, the Toronto Sun reports that "Attorney General Michael Bryant said his ministry wasn't seeking an injunction."

The question remains, what action is being taken by this government to ensure the safety of the people attending? Whether I speak or don't speak is predicated on a precondition that I have set with organizers in September. My precondition is that the OPP and the McGuinty government ensure the safety of the people. I've made it clear that marching to the occupied site is a non-starter. All parties must respect the rule of law.

Where is the government's plan? To date, I have not heard of any action to ensure safety—just promises. Simply put, it is incumbent on the McGuinty government



and the Ontario Provincial Police to ensure the safety of those people attending.

#### HEATHER CROWE AWARD

**Mrs. Carol Mitchell (Huron-Bruce):** This past August, my riding had the privilege of a visit from the Minister of Health Promotion, the Honourable Jim Watson. Amongst other things, Minister Watson was in Huron-Bruce to present the Heather Crowe Award to the Huron county health unit for its excellence in the prevention of public smoking by way of Smoke-Free Ontario Act.

The Huron county health unit was judged to have shown demonstrable leadership in tobacco control in the areas of youth prevention, protection from second-hand smoke and smoking cessation.

As you know, Heather Crowe was an Ottawa-area waitress and non-smoker who developed lung cancer after being exposed to second-hand smoke in the workplace. Heather courageously told her story in powerful public service announcements produced by Health Canada and aired by the Heart and Stroke Foundation. Tragically, Heather passed away this year from her illness, but that hasn't stopped this government from keeping her crusade alive by implementing the most stringent anti-smoking legislation in North America. This is just another example of the good things the McGuinty government is doing for the people of Ontario.

Congratulations to the Huron county health unit for all the work they have done in smoking prevention and cessation. Keep up the good work.

1340

#### MINISTER'S RECORD

**Mr. Robert W. Runciman (Leeds-Grenville):** There is an article in today's Liberal house organ suggesting Attorney General Michael Bryant is one tough guy. I didn't know whether to laugh or cry.

Mr. Bryant's tenure as Attorney General has been a textbook case of public relations over substance, headline hunting over meaningful improvements in our justice system, political point-scoring over productive co-operation. The Attorney General's posturing on the Karla Homolka appeal is a case in point: tough-guy rhetoric while failing to back it up with real involvement at the Quebec hearing that allowed her to gain her freedom.

This so-called tough-on-crime Attorney General has failed to appoint justices of the peace during his three years. We now have 18 fewer JPs than in 2003 and as a result we have thousands of people walking away from Provincial Offences Act charges. We're also experiencing an epidemic of plea bargains on gun crime and impaired driving: expediency in the name of efficiency at the expense of victims, neighbourhoods and communities.

In Caledonia, we're witnessing a complete abandonment of the rule of law. We're now approaching the

eight-month anniversary of this illegal occupation with no end in sight, and we've had the unprecedented spectacle of an Attorney General fighting the enforcement of a court-ordered injunction requiring the occupiers' removal.

Michael Bryant as tough on crime is like suggesting Dalton McGuinty keeps his promises. It just doesn't compute.

#### GERMAN PIONEERS DAY

**Mr. Tony Ruprecht (Davenport):** Today we celebrate a special day, German Pioneers Day. In 1788, King George established four counties, that is, four districts, for German settlement: Lunenburg, Mecklenburg, Hesse and Nassau. We're here in Nassau today, for that matter. Since then, German Canadians have made a great contribution to this country, but specifically, I'm looking at the city of Toronto.

The co-founder of Toronto is none other than William Moll-Berczy, who came here with 64 German families from Pennsylvania. He was the co-founder with John Graves Simcoe. Together they laid out Toronto, they made the grid, and Mr. Simcoe asked Mr. Moll-Berczy to establish and in fact to dig up what is called Yonge Street today, right from down where the lake is to near Keswick. As Yonge Street was being developed, a lot of these Germans—there were 64 families, as I said earlier—lost their lives.

Today, of course, we see also in the city of Toronto some other items that are of German background, namely, the Toronto-Dominion Centre, which bears the famous international Bauhaus style, Ontario Place, the Eaton Centre, the Queen's Quay Terminal. There are a lot of contributions that German Canadians have made.

Today, in the gallery are a number of German Canadians to help us to celebrate this special event: Gerry Meinzer, the founding president of the German Canadian Congress; Rolf and Sybille Rentmeister from Echo Germanica; Karl Ruppert, president of the Deutscher Welt Kongress; and Henry Betsch, Association of Danube Swabians of Toronto. Thank you for coming.

*Remarks in German.*

#### MISSISSAUGA SOUTH MIDGET BASEBALL TEAM

**Mr. Tim Peterson (Mississauga South):** I rise today to recognize the Mississauga South midget baseball team. This team is a great band of fearless warriors in the game of baseball. Not only did they take on Toronto and win the all-Ontario championship, they went on to PEI for the Canadian championships and won that as well.

Today in the gallery we have Stephan Kulchyk, Joe Jimenez, Max Christiansen, Mike Mathieson, Ian Campbell, Chris Piccini, Matt Piccini, Marc Spagnuolo, Curtis Kinden, Brandon Neuman, Andrew Dos Santos, Eric Ventura, Billy Martin, James Macklem, Sean Lemon, Anthony Fantauzzi and Eric Wakeman.



When they were down in PEI, not only did they distinguish themselves with their unbelievable athletic prowess, when they were leading substantially, they backed off and worked with the other teams so that all the players could participate. They won the hearts of all Canada, and especially the people watching down in Prince Edward Island.

With that note, let me acknowledge the coaches who are also here, with them: David Huctwith, Wayne Brocklebank, Bob Kulchyk, Edd Bobot and Richard Newman.

Ladies and gentlemen, the Canadian champions from Mississauga South.

### WATER QUALITY

**Mr. Gilles Bisson (Timmins–James Bay):** If only we had champions for First Nations in either our federal or provincial governments. Yet again, here we are a year after Kashechewan and we have yet to learn the lessons that we should have learned from that particular episode. Here we are a year later, the community of Marten Falls, almost exactly the same situation: a lift station that fails, a lift station that allows effluent to run down the creek into the water supply where the water is taken into the plant. Again, children that I see appear to be infected with scabies; again, people who are not feeling well in that community.

What have we got? We have a federal government that, at the end of the day, has not been responding to the calls of Chief Elijah Moonias when it comes to getting INAC to go in there to secure the water plant and to fix the lift station problem so that the water supply could be uncontaminated.

We have, yet again, the same response from the federal government. They say there's basically not a problem and that, in fact, regarding the First Nations people of Marten Falls, if they're getting scabies, if they're getting sick, it's not because of anything that's happening that's under the federal government's responsibility.

I say to this Legislature: We've got to stop this. The province of Ontario knows how to manage a water system. The province of Ontario has the expertise. The province of Ontario should enter into negotiations with First Nations and the federal government to take over the responsibility for water testing and running water plants so that they can fall under the system that the rest of us as Ontario citizens take for granted. How many more children have to get sick before we fix this awful problem?

### INFRASTRUCTURE PROGRAM FUNDING

**Mr. Bob Delaney (Mississauga West):** Through ReNew Ontario, this government, led by the Minister of Public Infrastructure Renewal and in co-operation with private sector partners, is investing more than \$30 billion by fiscal year 2009-10 to ensure a safe and reliable infrastructure foundation for Ontario's families. GO

Transit will shortly start building the Lisgar GO train station, the first time in 25 years that a new GO train station has been built in Mississauga. Next year, work will begin on phase 2 at Credit Valley Hospital to expand the hospital's maternity suite, expand its complex continuing care ward and alleviate overcrowding in the emergency ward.

To the previous sorry Tory Conservative government, Mississauga was just another cow to be milked. They neglected our provincial infrastructure, they dumped expenses onto cities through downloading. Just like their leader, the Tories said anything, any time, anywhere, to anybody and did nothing.

The city of Mississauga and its Liberal MPPs have worked together with the Ministry of Public Infrastructure Renewal. We started projects to get our city moving, to address traffic gridlock and fix a crumbling health care system in all three hospitals that serve our city of some 700,000 people. We're building the foundations for future growth and ensuring safety and reliability for generations to come in the city of Mississauga and throughout Ontario.

### VISITORS

#### VISITEURS

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** On a point of order, Mr. Speaker: I would like to welcome the family members of one of our pages, Dominic, le père et la mère, the father and mother, Guy and Sylvie Brisson, les grands-mères, the grandmothers, Lise Brisson et Louise Brunet, et sa soeur, his sister, Katia Brisson. Bienvenue. Welcome to Queen's Park.

**Mr. Frank Klees (Oak Ridges):** On a point of order, Mr. Speaker: I would like to welcome to the chamber a visitor from Jalandhar, Punjab, Mr. Ajit Randhawa, who is here with his nephew, Hargurnar Randhawa from Brampton. Please welcome them.

### INTRODUCTION OF BILLS

#### STREET SAFETY

#### AWARENESS MONTH ACT, 2006

#### LOI DE 2006

#### SUR LE MOIS DE LA SENSIBILISATION À LA SÉCURITÉ DANS LES RUES

Mr. Kular moved first reading of the following bill:

Bill 145, An Act to proclaim the month of May as Street Safety Awareness Month / Projet de loi 145, Loi proclamant le mois de mai Mois de la sensibilisation à la sécurité dans les rues.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.



1350

**Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale):** In our province of Ontario, crime on our streets has become an everyday occurrence. Residents no longer feel safe walking in their own communities. For this reason, there exist many programs and community initiatives within Ontario that attempt to foster safe streets, such as Block Parents and Neighbourhood Watch. These programs try to encourage people to safeguard their communities, so it's appropriate to recognize the month of May as Street Safety Awareness Month in Ontario.

## ELECTION AMENDMENT ACT, 2006

## LOI DE 2006

## MODIFIANT LA LOI ÉLECTORALE

Mr. Patten moved first reading of the following bill:  
Bill 146, An Act to amend the Election Act / Projet de loi 146, Loi modifiant la Loi électorale.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Mr. Richard Patten (Ottawa Centre):** This particular bill is a very simple bill. It's also the second time I've introduced it. If the bill is passed, in future Ontario provincial general elections the ballot would contain beside each candidate's name the name of the registered party that has endorsed the candidate or the word "Independent" if the candidate—

*Interjections.*

**The Speaker:** Introduction of bills.

**Mr. Patten:** I haven't finished, Mr. Speaker. I was waiting because I was being interrupted.

**The Speaker:** The member for Ottawa Centre.

**Mr. Patten:** Thank you, Mr. Speaker.

If the candidate has not been properly endorsed by a registered party, then obviously "Independent" would be beside it.

Many Ontarians have advocated for these changes for many years, including past and present members of the Ontario Legislature. As far back as 1989, the standing committee on the Legislative Assembly recommended and approved placing political affiliation on the ballot. Our federal cousins made amendments to the Canada Elections Act in 1970, over 36 years ago, to include the placement of political affiliations on the ballot for all subsequent elections, and the Office of the Chief Electoral Officer of Canada has indicated to us that those amendments have worked well. As well, of course, a former colleague, Sean Conway, introduced this bill on two separate occasions. In addition, a college student at Algonquin College did research and proposed party affiliation identification. His name is Rossano Bernardi.

I have to make the point that Ontario and PEI are the only provinces in Canada—

**The Speaker:** Thank you. That's an adequate explanation.

## MOTIONS

## COMMITTEE MEMBERSHIP

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I seek unanimous consent to put forward a motion without notice regarding the membership of certain committees.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.

**Hon. Mr. Bradley:** I move that the following substitutions be made to the membership of certain committees:

On the standing committee on government agencies, Mrs. Munro replaces Mr. Hudak; on the standing committee on public accounts, Mr. Hardeman replaces Mrs. Munro; and that on the standing committee on estimates, Mr. Hudak be added.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

**Hon. Mr. Bradley:** I'm sorry, Mr. Speaker, I think they thought I said "beheaded." It was "be added."

## HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I have another motion that's awaited with anticipation. I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Tuesday, October 10, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1356 to 1401.*

**The Speaker:** Mr. Bradley has moved government notice of motion number 193. All those in favour will please rise one at a time and be recognized by the Clerk.

## Ayes

Amott, Ted  
Balkissoon, Bas  
Barrett, Toby  
Bartolucci, Rick  
Bentley, Christopher  
Bradley, James J.  
Brownell, Jim  
Cansfield, Donna H.  
Caplan, David  
Colle, Mike  
Craiton, Kim  
Crozier, Bruce  
Delaney, Bob  
Dhillon, Vic  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duguid, Brad  
Duncan, Dwight  
Elliott, Christine  
Gerretsen, John

Hardeman, Ernie  
Hoy, Pat  
Hudak, Tim  
Jeffrey, Linda  
Klees, Frank  
Kular, Kuldip  
Lalonde, Jean-Marc  
Levac, Dave  
Marsales, Judy  
Martiniuk, Gerry  
Matthews, Deborah  
McMeekin, Ted  
Meilleur, Madeleine  
Mitchell, Carol  
Munro, Julia  
O'Toole, John  
Ouellette, Jerry J.  
Patten, Richard  
Peters, Steve  
Peterson, Tim

Phillips, Gerry  
Racco, Mario G.  
Ramal, Khalil  
Runciman, Robert W.  
Ruprecht, Tony  
Sandals, Liz  
Smith, Monique  
Sorbara, Gregory S.  
Takhar, Harinder S.  
Tascona, Joseph N.  
Tory, John  
Watson, Jim  
Wilkinson, John  
Wilson, Jim  
Witmer, Elizabeth  
Wynne, Kathleen O.  
Yakubski, John  
Zimmer, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Bisson, Gilles  
DiNovo, Cheri  
Horwath, Andrea

Kormos, Peter  
Marchese, Rosario  
Murdoch, Bill

Prue, Michael  
Tabuns, Peter

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 58; the nays are 8.

**The Speaker:** I declare the motion carried.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### INFRASTRUCTURE RENEWAL

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Today I have the distinct pleasure to rise and inform the House of the progress we have made with one of Ontario's most critical initiatives; namely, to rebuild, revitalize and modernize the very foundation of this great province.

In May 2005 we launched, with the very good support of our colleagues in finance, ReNew Ontario, our government's five-year plan to rebuild and repair the public infrastructure that was crumbling from decades of neglect. In just a year and a half, after the release of ReNew Ontario, I can proudly say that this foundation is getting stronger every day right across this province, for Ontarians today and for the almost four million more residents who will call Ontario home over the course of the next 25 years.

With our partners, we have committed more than \$30 billion to infrastructure investment. The province's own investment in the first two years of the ReNew Ontario plan will total over \$11 billion. We're well on the way to achieving the total planned investment. The return on the investment is already evident as we continue to make progress.

More than 100 projects are moving forward, including new, state-of-the-art hospitals in St. Catharines, as my colleague the House leader would like us all to know, and in Sault Ste. Marie. We're ensuring that our hospitals are modernized, with upgraded diagnostic equipment. We're creating more spaces for medical students. We're working to build and expand new regional cancer centres. We've completed 36 long-term-care projects since last May, adding 771 new long-term-care beds and re-developing over 3,500 more. With new and improved hospitals, Ontario families will get the health care they need where they need it and deserve it: close to home.

Now let me turn to another major priority that Ontarians have told us about, and that's education. Ontario students are getting the education they need and deserve in classrooms that are conducive to learning because we're finally repairing crumbling schools. We're funding

urgent repairs and construction at more than 3,000 school projects. Last year, we invested \$60 million in universities and colleges to maintain and improve classrooms and laboratories and to modernize equipment.

In transportation, we are working to unlock the gridlock that threatens to choke our economy and make commuting a nightmare. We provided \$192 million in 2005-06 for improvements to 83 public transit systems through our provincial gas tax program, we announced an additional \$838 million in the 2006 budget to expand transit service in Toronto, York region, Brampton and Mississauga, and we're making substantial investments in public transit like the GO rail system. The high-occupancy vehicle lanes, HOV lanes, that we opened on Highways 404 and 403 in the greater Toronto area are already surpassing expectations. In the north, my colleague the Minister of Northern Development and Mines reminds me that we are moving forward, finally, with the \$1.8-billion northern Ontario highways strategy. To keep our goods and our economy in as strong a shape as possible and flowing across the border to the United States, our biggest trading partner, we're making improvements at Ontario's border crossings.

These are just a few signposts of our achievements, and there are many others.

We celebrated the groundbreaking of the west Don lands project, a new Toronto waterfront community that will include 6,000 new residences, including 1,500 units of affordable housing.

Together with the federal government, we have funded more than 60 water and waste water projects and 279 road and bridge projects.

We've committed to upgrade and expand court facilities in communities from St. Thomas to Thunder Bay, and we are finally moving ahead with a new Durham consolidated courthouse in Oshawa.

We're contributing to major cultural institutions that draw millions of visitors to our province.

Behind all of this formidable progress that I've been outlining in the few short minutes that I've had is the long-term thinking and strategies of ReNew Ontario. We'll be taking this thinking one stage further on Friday, when I host an event called Building the Future: Leaders' Forum on Infrastructure. Here in Toronto, we are gathering pre-eminent thinkers and decision-makers from as far away as New Zealand and Spain. While I know there will be much to learn, I will be as proud talking about our achievements through ReNew Ontario on Friday as I am here today, because as we rebuild the foundations of our province, we are renewing our commitment, literally and figuratively, to Ontarians, not just today but for generations to come.

1410

### CORPORATE TAX IMPÔT DES SOCIÉTÉS

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I rise today to



inform this Legislature about an historic agreement between our government and the federal government.

Last Friday, on October 6, the Honourable Jim Flaherty and I signed a memorandum of agreement that will lead to federal administration of Ontario's corporate taxes. Mr. Flaherty's career in Ontario politics is well known and well respected, and his commitment to this agreement is part of that strong tradition.

The federal administration of Ontario corporate taxes will significantly reduce compliance costs for businesses. There will be a single tax form. There will be a single tax collector. And importantly there will be one set of income tax rules.

À compter de 2009, les entreprises pourront produire une déclaration unique fédérale-ontarienne. En plus d'alléger le fardeau administratif des entreprises, cet accord permettra à ces dernières de se concentrer sur ce qu'elles font de mieux, c'est-à-dire créer des emplois et de nouveaux marchés.

That, in turn, helps to create a stronger, more productive Ontario economy.

To be clear, the corporate tax collection system of the future will look very much like the personal tax collection system with which Canadians are already very familiar. Ontario businesses strongly support this initiative, the real beneficiaries of which are the men and women across Ontario who work for and run our businesses. They represent the real lifeblood of our economy.

We were honoured at last week's announcement to see so many leaders of Ontario's businesses in attendance. Among them was Len Crispino, president and CEO of the Ontario Chamber of Commerce. He welcomed the initiative and noted that it would result in increased savings and efficiencies for both business and government, improving the competitive position of our province.

Provincial and federal officials have been working for many months to iron out the details of the agreement announced last week. I want to say to them, I am proud of your contribution to this process.

Au cours des 50 dernières années, divers gouvernements ontariens et leurs employés ont déployé de nombreux efforts pour s'assurer que le régime d'imposition du revenu des sociétés répondait aux besoins du jour. L'accord que nous avons conclu constitue une autre étape de cette évolution.

I want to point out that this is just one step towards our goal of signing a comprehensive corporate tax collection agreement with the federal government. We still have a lot of work to do. We continue in our efforts to develop the best possible human resources agreement and a business transaction agreement which speaks to how these services will ultimately be delivered. But we've already made real progress, and we are committed to working with the federal government and our bargaining agents to ensure a smooth transition.

The agreement that Minister Flaherty and I have signed is, I think, solid evidence that Canada works best when there is a high level of co-operation between gov-

ernments. This corporate tax collection agreement was referenced in the 2005 Canada-Ontario agreement. I know that the Premier and many others, in this Legislature and elsewhere, would join me in urging the federal government to honour its commitment to uphold the rest of the Canada-Ontario agreement. It is the right thing to do to ensure that Ontarians are treated fairly.

In the coming weeks, I will bring forward legislation to implement the changes required to move to a single corporate tax collection system. The legislation will focus, as does our existing agreement, on creating a more streamlined, efficient and effective tax system. That's what businesses have told us they want. Clearly, it is what they need.

Nous sommes heureux et fiers d'avoir franchi cette étape importante en vue de réduire les chevauchements administratifs et le double emploi.

I look forward to discussing our legislation, once it has been introduced, with all members of this House.

**The Speaker (Hon. Michael A. Brown):** Response?

#### INFRASTRUCTURE RENEWAL

**Mr. Tim Hudak (Erie-Lincoln):** I'm pleased to respond to both of my colleagues' remarks this afternoon, first with respect to the public infrastructure renewal minister's announcement. I'd say to the minister, like many Ontarians today, I spend over two-plus hours in my vehicle commuting to the city of Toronto. I know that people who work and live in the GTA in southern Ontario have seen gridlock actually become much worse under the Dalton McGuinty government. All kinds of nice, pretty red signs on the side of the road with more Dalton McGuinty promises, but for additions to the highway system to relieve gridlock, no progress from the Dalton McGuinty government, and people are stranded for longer periods of time in their automobiles.

In his ReNew Ontario progress report, the minister lists a number of hospital projects that in fact have not even seen a spade put into the soil. He lists Grimsby as progress. Well, there's been a press release or two, but not even a blade of grass has been removed, and the same for the St. Catharines project. And in North Bay, they're already a year behind what was promised by the Dalton McGuinty government. In fact, not only have they not broken ground, the Home Hardware has not even bought the shovel yet for that project because he doesn't believe that you are actually going to move that project forward in due course.

Similarly, the McGuinty government is claiming credit for new medical schools in Ontario, projects that we all know had begun under the previous Progressive Conservative government.

*Interjections.*

**Mr. Hudak:** I know: A lot of time spent buying that red ribbon from the Giant Tiger in Thunder Bay and Sudbury, but you're taking credit for projects that you played a very small role in, except for slicing the ribbon.



Similarly with respect to new long-term-care beds, I was proud to be part of a government that invested in making 20,000 new long-term-care beds and redeveloping 16,000 long-term-care beds as part of a \$2.1-billion investment. I suggest, with all due respect, that the government's claims in their progress report today of 4,200 new or redeveloped beds are largely from the previous government. Sure, you might have changed the sheets to red or put new red curtains on the wall, but I suspect not much real progress has been made in that respect. And the border infrastructure projects are similarly projects that had begun under the previous government. I'm pleased to see the work continuing. I'm glad that you didn't stop those projects, but just painting those yellow lines red is not exactly improving infrastructure in Ontario.

Similarly, for the Big Six cultural renaissance projects in the province, I'm pleased that the Liberal government is continuing on the good work by the previous Progressive Conservative government in that respect to help cultural tourism in Ontario, but, please, some credit to the previous work that was done, instead of putting up red signs.

1420

Speaking of those red signs across the province, this has to be the hardest-working person in the province of Ontario, putting up all these propaganda signs, conveniently the same red colour as the Liberal Party logo. I wonder when that new \$220,000 ugly trillium is going to be transplanted onto those signs as well.

In reality, this should not be called Renew Ontario; it should simply be called Rebrand Ontario. It's an effort by the Dalton McGuinty government to take credit for work they have not done and obscure the lack of projects that will see any money flow conveniently after the next provincial election. Dalton McGuinty is asking voters to trust him. I say that Ontario voters won't be fooled again.

#### CORPORATE TAX

**Mr. Tim Hudak (Erie-Lincoln):** I would say to my colleague the Minister of Finance that I'm pleased to see work has progressed in the area of a single route of tax collection for corporate income taxes. I know this work had also started under the previous government, and I'm pleased to see the work has continued. I congratulate the civil servants in the Ministry of Finance for their hard work. In fact, Minister Flaherty probably had quite a role, both at the provincial and federal levels, in advancing these projects.

I want to say that I hope the minister will stand up soon and talk about lowering the tax burden for hard-working families and businesses in the province of Ontario, controlling runaway spending like the trillium I mentioned or dropping the OLGC for \$6 million and addressing the 90,000 well-paying manufacturing jobs that have fled the province under Dalton McGuinty's leadership since the beginning of 2005.

The only caveat I have about an initiative that's a positive step forward, albeit in 2009—the only worry I

have is that giving Dalton McGuinty more access to taxpayers' money is like giving the keys to the liquor cabinet to teenagers and going away for the weekend.

#### INFRASTRUCTURE RENEWAL

**Mr. Peter Tabuns (Toronto-Danforth):** The announcement made today by the Minister of Public Infrastructure Renewal masks some very disturbing trends. Of the investments announced today, about \$2.5 billion will be for the private financing of hospitals and courthouses. Now, most of that will go to hospitals and increasing the size of some hospitals.

The minister is using a method—private financing—that will ensure higher health care costs for this province and lower spending on patient care in this province. This is a method that his leader, in the past, has said was wrong, a method that was denounced when it was put forward by those on the opposition benches, but one that seems to be embraced by the Minister of Public Infrastructure Renewal.

Now, the Brampton hospital is going to cost about \$535 million, and the extra cost because of private financing is \$175 million. That's \$175 million not available for patients. It's \$175 million not available to hire nurses, pay for doctors, make sure that the emergency room is staffed. That \$175 million will be a burden on the backs of the public and on the backs of the people who will use these facilities. Privatized finance is going to open the door to privatized food services, privatized maintenance, privatized administration, all of this opened by the Minister for Public Infrastructure Renewal.

Overall, in the \$2.5 billion dollars worth of infrastructure that is going to be privately financed instead of publicly financed, the extra cost to this province will be about \$750 million. That's a big burden to be carried by the public for expenses that do not produce results—costs but not results. The minister, through utilization of this method, pioneered by a party that he disagrees with profoundly but a method that he seems to have embraced, is undermining our future. He's providing for galloping privatization of our health care system.

The Minister of Public Infrastructure Renewal is quite certainly, quite definitely on the wrong track with this policy direction.

#### CORPORATE TAX

**Mr. Michael Prue (Beaches-East York):** In response to the Minister of Finance, this weekend when I turned on the television, I saw the Tweedledum and Tweedledee of Canadian politics, the Minister of Finance and his counterpart in Ottawa, both speaking from the same songbook. But what wasn't said, and what needs to be said and what needs to be understood, is that the business service agreement that you have so proudly talked about has not yet been negotiated. We need to know what is being uploaded. You haven't said what's going to be uploaded to the federal government. You haven't told us



what business taxes are going to be uploaded. You haven't talked about the human resources agreement with the federal government, because that has not been negotiated either. You haven't talked about the 800 public employees in Ontario who have done legendary service to the people of this province.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** It's right there.

**Mr. Prue:** I know it's there, and I'm telling you your mistake. If you don't want to listen to your mistake, then don't listen. Tune out like you always do. Okay.

You haven't talked about the number who are going to end up in the federal government. You haven't talked about the 800 who are going to be reabsorbed or where they're going to be reabsorbed within the fabric of Ontario service. You haven't talked about the number who are going to be, in the end, laid off.

We know what this is: This is a loss of expertise to the province of Ontario. It is a loss of expertise to all the taxpayers of this province. Yes, I can see the corporations singing the glory that they're going to save some money. Yes, I can see the government saying they're no longer going to be involved. But I want to know is, are our tax revenues going to go down? Because I fear they are. With the loss of the revenue, they're going to go down.

We have to look at our long-term finances. Would that all this had been explained, would that all this had been said in the same way that you had your little spat, with Tweedledum and Tweedledee having the little spat about the fiscal gap and the uploading, because that's what really made all the newspapers. You can fight about that, but you're on the same side and the same songbook when it comes to the corporate taxation. We think there are answers that need to be given.

IAN SCOTT

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I regret to inform the House that former MPP and Attorney General Ian Scott has passed away. We will most certainly speak to his life at the appropriate time, but let me simply express, on behalf of all members present, our sympathies for his family and friends, and say that we are grateful for his public service and we have been inspired by his courage.

**The Speaker (Hon. Michael A. Brown):** Oral questions. The Leader of the Opposition.

**Mr. John Tory (Leader of the Opposition):** I hope we will have a chance at some point, because I'll look forward to joining in those discussions. I first met the former Attorney General when I was a young lawyer, and I'd very much would like to speak to what a very special person he was.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** That was a long time ago.

**Mr. Tory:** It was a long time ago; you're quite right.

## ORAL QUESTIONS

### MANUFACTURING JOBS

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Once again this weekend, the newspapers contained disturbing news about job losses in Ontario. For only the second time in 30 years, Ontario's jobless rate is above the national average. Last month, Ontario lost 34,000 full-time jobs. Almost 90,000 manufacturing jobs have been lost since the beginning of last year, in no small part due to the McGuinty government policies on taxation, regulation and energy pricing, just to name a few. Warren Lovely of CIBC World Markets says we could lose 10,000 to 15,000 jobs each and every month for the foreseeable future.

Your party voted last December in favour of a resolution that called for a comprehensive strategy to address job losses. Will you bring forward that strategy, or is this yet another one of your broken promises?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I just don't share the leader of the official opposition's profound pessimism when it comes to the economic outlook in the province of Ontario. While it is true that we have had our businesses challenged by a high dollar, which grew at a skyrocketing rate, while we are being challenged by global competition of an unprecedented depth and strength, and while we have had to cope with growing world energy prices, what I think is truly remarkable is how well the Ontario economy has performed, notwithstanding all of those things.

1430

This year alone, over 103,000 net new jobs were created in Ontario. Since October 2003, some 254,000 net new jobs have been created. I would say that speaks to the confidence that Ontario entrepreneurs and businesses continue to have in their economy.

**Mr. Tory:** It is not pessimism to talk about the facts that are affecting families, 90,000 families, for example, who have lost a paycheque, a good paycheque, from the manufacturing industries. This is not pessimism; these are facts, cold hard facts being faced by these families. For you to get up and say it's pessimism, or to say it's anything other than what I asked you, which is, "Where is the strategy you promised?"—I don't think people are going to take any comfort from that at all.

The fact is that Ontario is the only province in all of Canada to experience a net growth in the number of unemployed people over the course of the past year. There is 5.5% more unemployed people in Ontario today on your watch than there were at this time last year: 600 in St. Thomas at Sterling Truck; 250 at Wallaceburg Preferred Partners; 380 in Sarnia at Dow Chemical; 280 in Stratford at Dura Automotive.

Where is the plan? That's all I asked you. Where is the plan that you people voted for in this Legislature to help these families who have lost these jobs? Where is it?



**Hon. Mr. McGuinty:** Let me speak to some parts of the plan which the member continues adamantly to oppose. We put in place a strategic auto sector partnership fund: \$500 million. The Conservative Party says that that was a bad investment on the part of taxpayers. We disagree strongly.

I think we can conclude that the leader of the official opposition, if given the opportunity, would quietly pre-empt over the continuing evolution of the economy. We take a different approach. We put together this auto sector fund and we have used it to leverage \$7 billion worth of new investment in the province of Ontario. For the first time since the invention of the car, we are now number one in North America when it comes to auto production, and that's two years running.

As a result of that fund, in a partnership we did with Linamar, an auto parts company, we are landing 3,000 new jobs in that one business alone. Again, that establishes a contrast between their approach and our approach. We're prepared to partner; they are not.

**Mr. Tory:** I challenge the Premier to bring into this House one quote I have ever made, ever, that said anything other than that I would continue with the investment in the auto sector. Find one quote and bring it in here. Bring in one quote, just one quote.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. The Minister of Economic Development and Trade—

**Hon. Dwight Duncan (Minister of Energy):** You just said—

**The Speaker:** The Minister of Energy will come to order.

Leader of the Opposition.

**Mr. Tory:** So bring in one quote.

Now, the plan we're talking about here is to help the 90,000 families who have lost manufacturing jobs on your watch. On December 8, 2005, some 31 members of the McGuinty Liberal caucus stood in this House and called for "a detailed government initiative ... to deal with these communities, families and working men and women who are suffering from these rapid economic changes, and that this plan should come forward immediately." Not one member of any party voted against it.

It's now more than 10 months since that resolution and we haven't seen a detailed initiative. In fact, we've seen no initiative at all. Will you commit to bringing forward that initiative by the end of this month so the people of Ontario can see what you're going to do for these people in these communities who are hurting? Can we see it by the end of the month?

**Hon. Mr. McGuinty:** In addition to our strategic auto sector partnership fund, which I am surprised to learn that the leader of the official opposition now supports, because he voted against that originally as part of our budget, I can also say that we have been partnering with the manufacturing sector. We've established a \$500-million advanced manufacturing investment strategy there. For example, Diamond Aircraft in London, On-

tario, as a result of the partnership we have entered into with it, is creating 550 new jobs.

To be more specific about those who have lost their jobs—and we will not lose sight of their concerns and the challenges in those families—we are proud that we have been able to put together a labour market development agreement with the federal government. We are the first Ontario government to sign such an agreement. That's \$1.4 billion. But there's one issue that is outstanding: It forms part of the McGuinty-Martin labour market partnership agreement. I would ask the leader of the official opposition to pick up the phone, phone Prime Minister Harper—

**The Speaker:** Thank you, Premier.

## HOSPITAL SERVICES

**Mr. John Tory (Leader of the Opposition):** My question is again for the Premier. Another weekend has passed and another emergency room closure has been narrowly averted as you continue the pop-up strategy of dealing with these situations only as they become four-alarm fires rather than providing any kind of comprehensive province-wide plan for the dozens of emergency rooms that are in crisis across the province.

Your current handling of the strategy has meant that you've ignored nurses, the very people who are, most of all, on the front lines and have to deal most directly and most frequently with the patients who are waiting hours and hours in your emergency rooms to see a doctor. I've spoken to nurses in many emergency rooms and they too are at the breaking point in many cases. We've heard a lot of what's supposedly being done to address the doctors' challenges. What are you doing for the nurses in Ontario's emergency rooms?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Well, it takes a lot of nerve for the leader of the official opposition to ask that question, and I'll give him credit for working up that nerve. But there's something that we won't forget—and certainly, more importantly, Ontario nurses won't forget—and that is, during the course of the former Conservative government, they fired nurses by the thousands. They compared Ontario nurses to hula hoop workers. I am pleased that we have turned 180 degrees in a different direction. We are training more nurses. So far, we have funded the hiring of over 4,300 new nurses. The Minister of Health has made a commitment to ensure that we hire all graduating nurses this year. So we have turned this ship around completely. It's proceeding in a 180-degree opposite direction. They fired nurses; we are hiring nurses.

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** Temporary positions. Tell the truth.

**Mr. Tory:** Well, I know how well that claim worked out when you went out on the "give yourself a pat on the back" tour last week and were told by the very hospital you were at that they hadn't seen any of these nurses materialize that you claim you've hired. They haven't



seen any of what you talk about in your endless photo opportunities. Donna Simpson, a nurse at Rouge Valley, said on Global Television that compared to three years ago, nurses have "a lot more challenges; a lot more demands are put on them." And it's not just the nurses at Rouge Valley but across the system at the ONA. They want to know what's happening on this so-called progress you're announcing if their workloads continue to increase and none of them has seen any of this good news that you talk about all over the place. Can you tell us, if your so-called plan is working so well for the nurses in this province and everybody else, is it just you who's right and all the doctors, all the nurses and all the patients are wrong? Is it just you who's right and they're all wrong? Is that what it is?

**Hon. Mr. McGuinty:** At the hospital in question, I had an opportunity to speak with—I remember that nurse specifically. Her name was Cathy and I was delighted to have the opportunity to have a conversation with her. One of the things Cathy made reference to was not the fact that we haven't hired nurses, because in fact we've hired 46 new nurses at that very hospital. I'm sure the Leader of the Opposition knows that—46 new nurses. What Cathy specifically said to me—and I'm sorry I don't have her last name—was that she was concerned that too many of those nurses were going into administrative positions and not enough on to the floor. I said that's something we'll gladly take up with her hospital and other hospitals as well.

Again, we're very pleased to have these ongoing conversations with our nurses. We're proud of the fact that we've funded some 4,300 and, specifically, 46 new nurses at that hospital.

**Mr. Tory:** I'm sure everybody's wrong except you. Global Television is wrong; the nurse I quoted is wrong; the nurse you ran into who said she hasn't seen any of the progress is wrong. They're all wrong except you.

You claim as part of the "three cheers for me" tour that you've hired 4,000-plus nurses, but 1,000 of them, as the member next to me points out, are temporary positions. Your health minister has admitted that the promise you made to hire 8,000 nurses during your term in office will not be kept. That's yet another broken promise. Next year, nearly a third—30,000—of Ontario's nurses are eligible to leave the system. If nurses continue to be overworked and underappreciated, and you're not going to keep your promise, then what's going to happen in the hospitals and the long-term-care facilities?

1440

You, Dalton McGuinty, the Premier, then opposition leader, made the promise to hire 8,000 nurses. Unless you made it solely to win votes, you must have thought you could keep it. My question is this: Why are you now telling us you're not going to keep the promise to hire the 8,000 nurses? You've got a year left. Do it.

**Hon. Mr. McGuinty:** Again, I say it takes a remarkable metamorphosis for the leader of the Conservative Party, a party which gladly wielded an axe and let go thousands of nurses in the province of Ontario, to now

portray himself as a champion of nurses in the province of Ontario. It is truly a remarkable metamorphosis.

We have been proud to fund the hiring of some 4,300 new nurses. I can say that in addition to that, we've done much to improve working conditions for our nurses, whether you're talking about lifts that save nurses who were complaining about the burden that was being imposed on them physically or whether you're talking about the new programs we have put in place to ensure that we can retain our more experienced nurses so they can spend at least some part of every day training younger nurses, as opposed to working with patients all along.

I'm confident that we will continue to work with nurses—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

## EDUCATION FUNDING

**Mr. Howard Hampton (Kenora-Rainy River):** To the Premier: Students in classrooms all over this province are facing more cuts in their schools. In northern Ontario, 11 school boards have seen their budgets slashed by the McGuinty government this year. Outdoor education centres are being shut down. And at the Dufferin-Peel Catholic District School Board, you've ordered trustees to cut the reading recovery program.

Premier, you admit your school funding formula is flawed and inadequate. You promised to fix it, but you haven't. So the question is, are you now going to axe the Dufferin-Peel school trustees so you can force your cuts in the classroom?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** We will continue to work with the Dufferin-Peel Catholic school board, as we have in the past, and as we work with all 72 Ontario public school boards.

We've been very pleased on behalf of Ontario taxpayers to invest a further \$2.7 billion into public education. In return for that massive infusion of new dollars, of course, we impose a modicum of responsibility on our trustees and school board administrators to ensure that that money is invested wisely. If there are boards that are experiencing challenges, then of course we will want to work with them in the best way possible to ensure that they, like we, live up to our expectations and our responsibilities when it comes to improving the quality of the learning environment for all of our students.

**Mr. Hampton:** The trustees at the Dufferin-Peel Catholic school board don't feel you're working with them; they feel they're being worked over by your government. But it's not just the Dufferin-Peel Catholic school board. Students in the Algoma school board lost classroom supplies and special education assistants. Students in the Near North school board are losing full-day senior kindergarten. Students in Hamilton have lost education assistants to help kids with special needs.

Democratically elected school board trustees from across the province are telling you to fix the school funding formula. You admit it's flawed and inadequate.



The question is, are you finally going to keep your promise and fix the school funding formula, or are you going to axe the trustees and force your funding cuts in the classroom?

**Hon. Mr. McGuinty:** To the Minister of Education.

**Hon. Kathleen O. Wynne (Minister of Education):** In answer to the question about the northern boards, I think we have to acknowledge first off that we have a societal issue around school enrolment: We have declining enrolment across the province.

Having said that, since we've been in office, we have increased funding for northern students by \$2,500 per pupil. That's a 30% increase. We're investing an additional \$95 million into the school foundation grant for northern boards, and I just want to flag that. That's a change in the funding formula. I think the member opposite needs to understand that the funding formula is an allocation model. When you put more money into the model or you change the categories, then you are changing the funding formula. That's what we've done, and we'll continue to do that.

**Mr. Hampton:** We admit this government is changing the funding formula. The issue is fixing the funding formula, and that's what school board trustees want to see. But it's not just northern boards. Students in Grand Erie lost their vice-principals, students at the Lakehead board lost computer technology and technology supports, students in Toronto are losing teachers, textbooks, and some will lose their schools. Virtually everywhere boards are being forced to exhaust their reserve funds, which means next year, when the reserve funds aren't there, the cuts will be worse.

We know you're fooling around with the funding formula on the fringes. But you haven't fixed the school funding formula, which is why kids are still experiencing cuts. The question is again: You admit the funding formula is flawed; you promised to fix it. When are we going to see the funding formula fixed, instead of kids facing more cuts?

**Hon. Ms. Wynne:** I know that people in Ontario are very happy that there are 7,000 more teachers in our schools across the province since we were elected. So there's funding for 7,000 more teachers. Students are doing better in our schools in terms of the tests. We've gone up from a 54% pass rate to a 64% pass rate on our provincial tests.

But I just want to speak to one particular issue. When we talk about fixing the funding formula, if we talk about a Liberal funding formula, which is what we're working on, one of the things we've done is put in a new category, the school foundation grant, which allows for small schools to receive funding for principals. There's new money in that school foundation grant, and that allows small schools in rural and northern areas to have a principal and a secretary and to stay open.

#### LONG-TERM CARE

**Mr. Howard Hampton (Kenora-Rainy River):** To the Premier: For three years you have failed to keep your

promise to seniors living in Ontario's long-term-care homes. The latest example is the McGuinty government's no minimum standards for seniors act, which fails to set basic standards of hands-on care for our parents and grandparents who are living in long-term-care homes, care that includes everything from bathing to feeding. The absence of minimum standards from your bill is a glaring omission that will mean a lower quality of life for our seniors in long-term-care homes.

You promised minimum standards of care. Why aren't they in your bill? Why haven't you kept, yet again, another promise?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Obviously, I'm not going to agree with the leader of the NDP's characterization of our new legislation. I hope he will see his way clear to supporting this bill, which is something that has been long awaited in the province of Ontario, not just by those people who operate our long-term-care facilities, but more importantly, by our seniors, our parents, our grandparents and their families. We think this is very good news for people who are resident in our long-term-care homes.

We've taken the approach that says each individual resident is unique. They are not, as the leader of the NDP would assert, somehow widgets to be treated all the same. We believe that legislated standards would be unresponsive to residents' changing needs. We believe that front-line staff are the ones who are best positioned to make that determination. I am proud to say that we are enshrining 24/7 nursing in legislation, which is the single greatest demand we've had from our long-term-care residents.

**Mr. Hampton:** It is passing strange to hear the Premier's comments today, because before the election, the McGuinty Liberals introduced a resolution in this House calling for minimum standards of care for seniors. I want to quote one of those Liberals: It's "a shame that we need to make this resolution, that we've come to this in Ontario in 2002...."

"We are hurting those who have built this province.... Now, in the last years of their lives, we have abandoned them."

1450

Who said that? Oh, Hamilton Mountain MPP Marie Bountrogianni, who now sits in your cabinet, saying one thing before the election and now something totally different after the election.

Premier, if it was a shame before the election that seniors living in long-term-care homes did not have minimum care standards, why isn't it a shame today under the McGuinty Liberals?

**Hon. Mr. McGuinty:** I can only conclude that the leader of the NDP has, in fact, not thoroughly familiarized himself with the bill, nor does he understand how well received it is by seniors in long-term-care homes.

If I can move on to the issue of staffing, we've hired 3,140 more front-line staff and 682 nurses. We've put in



place new, extensive training requirements for all front-line staff and volunteers.

This bill will also mandate whistle-blower protection. It will require the promotion of zero tolerance of abuse and neglect of residents, including fines of up to \$200,000 for convictions. It strengthens the residents' bill of rights and enshrines those rights in legislation. It puts in place a policy to minimize the physical restraint of residents.

This is about dignity and respect for our residents, for our parents and our grandparents. This bill, this legislation, has been a long time coming.

**Mr. Hampton:** Premier, you know that minimum standards of personal care are at the heart of looking after our seniors.

I want to quote another of your cabinet ministers: "I find that, in this day and age, to actually have to be in this House to ask for a resolution to establish minimum standards, is almost as if we're returning to the Dark Ages...."

Who was that? The MPP for Sarnia-Lambton, Caroline Di Cocco, before the election. But after the election, under the McGuinty government, seniors still will not have minimum standards of personal care that they need and deserve in our long-term-care homes.

Premier, will you take the advice of your own cabinet ministers, who said it was a shame not to have these standards? Send your bill back to the drawing board, keep your promise and introduce minimum standards of care for our seniors who need them and deserve them.

**Hon. Mr. McGuinty:** What I think Ontario seniors want to know is whether or not the NDP are going to support this legislation that's going to improve the quality of care that our parents and grandparents can receive. I think that's the real question that weighs heavily on the minds of residents of long-term-care homes and their families.

Again, this is a bill that will bring about zero tolerance of abuse and neglect of residents. It includes fines of up to \$200,000 for convictions. It puts in place whistle-blower protection. It strengthens our residents' bills of rights and enshrines those rights in legislation. It puts in place a policy to minimize the physical restraint of residents.

Again, I say this is about dignity and respect for Ontario seniors. I think the single most important question here today, now, at this time, is whether or not the NDP are going to support a bill that's going to improve quality of care for our parents and grandparents in the long-term-care residences in Ontario.

#### PUBLIC HEALTH

**Mr. John Tory (Leader of the Opposition):** A question for the Premier: Premier, the news of two people being stricken with botulism as a result of tainted carrot juice has raised some serious questions about your government's handling of the public health system. We know that fully one third of public health units in Ontario

don't have the legally required medical officer of health. In the last year, we've seen two legionnaires' disease outbreaks, a rubella outbreak, one of the largest salmonella outbreaks in the province's history and now two cases of botulism.

You've had the capacity review committee's report for five months and your government has done nothing about it. Meanwhile, people are getting very, very sick. Would you agree to bring in a detailed response to the capacity review committee's report by the end of this month, and if not, why not?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Let's recall that the Conservative government downloaded responsibilities for public health onto our municipal partners. Again, this is another case where we're moving in a 180-degree direction opposite to that taken by the Conservative government. We are uploading costs connected with that.

The leader of the official opposition would also know that responsibility for food recalls lies with the Canadian Food Inspection Agency. The CFIA issued a recall for this carrot juice on September 30. Our chief medical officer was informed. Our chief medical officer promptly notified the public health offices across the province to ensure that word was directed to the retailers as much as possible so that they could take the appropriate steps.

**Mr. Tory:** It's almost comical. That had absolutely nothing to do with the question that I asked you.

Now, let's go back to the fact that under your government, which has been in office more than three years now, one third of the medical officer of health positions in Ontario are vacant, contrary to the law. The law requires that these positions be filled. The number of vacancies is up 50% since your government took office. The OMA, the medical association, told you this was urgent one year ago; one year ago they told you that. Nothing has happened on the capacity review report since you got it in May—absolutely nothing. You've broken another campaign promise, to make the chief medical officer of health an independent officer of this Legislature.

So the question is simply this: Why do you bother to receive these reports or to pass these laws that make requirements like this and then ignore them until a four-alarm fire breaks out? Why don't you follow the law, fill these vacancies and pay attention to these reports and respond to them? Will you respond to the capacity review report by the end of the month? Yes or no?

**Hon. Mr. McGuinty:** Again, we have more downloading denial taking place here inside the Ontario Legislature.

Here's what Greg Flynn, the former president of the OMA, said late last year: "The Liberal government has been working very hard to revitalize public health in this province. We thank you for your continued commitment to public health and the government's many initiatives that aim to protect the health of Ontarians."

We know that one of the issues connected with ensuring that we have an adequate supply of doctors working



in the appropriate areas where we need them is pay. Again, we're proud to have negotiated with the Ontario Medical Association an agreement that makes our family doctors the best-paid in Canada and our specialists the second-best-paid in Canada. I remind the leader of the official opposition that his health critic said at the time, "What you're doing is you're taking all the health care money and throwing it into the physician pool." There was a complaint we were spending too much on doctors. Again, we see things differently. We will continue to work with our health community and our human resources to ensure Ontarians have access—

**The Speaker (Hon. Michael A. Brown):** Thank you, Premier. New question.

**Mr. Howard Hampton (Kenora-Rainy River):** Premier, I too want to ask you about the issue of tainted carrot juice. It was ordered recalled on September 30, but a week later, at least 10 stores in Toronto are still offering it for sale. Now, that could only happen if public health inspectors aren't out there ensuring that the recall is enforced. So my question is this: How is it, under the McGuinty government, that tainted carrot juice is still on the shelves in Toronto, available to be purchased, after it was ordered off the shelves over a week ago? How could that happen, Premier?

**Hon. Mr. McGuinty:** I believe the leader of the NDP understands that it is the responsibility of the Canadian Food Inspection Agency for food recalls. They made a call. They decided to recall certain foods, carrot juice in particular. They issued that recall. They provided notice to the chief medical officer of health for Ontario. The suppliers of the juice as well were required to contact those who were running retail operations—stores—and in fact selling this carrot juice. But I think it is unreasonable to expect, and I'm not sure the leader of the NDP is saying this, that if there is a food recall issued in Ontario, whether that affects 500 or 10,000 stores, public health officers are to visit each and every one of those stores individually, and that we're not allowed to count on information going by way of TV, radio—

**The Speaker:** Thank you. Supplementary?

**Mr. Hampton:** Premier, it is your government's responsibility to protect public health. It seems that the Canadian Food Inspection Agency did their job. They ordered a recall. But what we hear from the Association of Local Public Health Agencies in Ontario is this: They say that underfunding by the McGuinty government makes it difficult for local health units to do their jobs, that it's difficult for them to be out there doing everything that falls within their responsibility.

1500

Premier, we noticed this weekend that your government has lots of money to spend on television ads patting yourself on the back. Why don't the public health units have enough money under the McGuinty government to ensure that tainted carrot juice isn't being sold to the public and making people sick?

**Hon. Mr. McGuinty:** The CFIA has the overall responsibility of making sure that retailers pull products

off their shelves. Local public health units can and do assist them in carrying out inspections. But just for example, in the city of Toronto alone, over 180 stores were visited this weekend. There can be thousands of stores involved in these kinds of things. But there is a responsibility—and I'm sure the leader of the NDP does not intend to lift it entirely off the shoulders of the retailer—on the part of retailers to pay attention to information that is being disseminated by the CFIA or by local public health officers, and as well to ensure that they take the necessary steps, when they hear from their suppliers, to take anything off the shelf that might be dangerous to the health of a buyer. That is the system we have in place.

I want to take this opportunity to congratulate PublicHealthOntario for the work they did and the efforts they continue to make to ensure that the food we buy every day is safe.

#### POST-SECONDARY EDUCATION

**Mr. David Zimmer (Willowdale):** My question is to the Minister of Training, Colleges and Universities. In the last few weeks, students in Ontario, particularly in Willowdale, have returned to colleges and universities, and many students have entered colleges and universities for the first time. Seeing these students in my constituency go to college or university for the first time in very high numbers has made me think about our government's commitment to increase college and university enrolment by 50,000 students. Minister, could you give me and the members of this House an update on how close we are to that target?

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** I'd like to thank the member from Willowdale. We were at Seneca College, in his riding, not too long ago speaking about opportunities. When Premier McGuinty made that commitment, it was 50,000 more opportunities for Ontario students to attend college or university in the province of Ontario. Well, the numbers are in. We were at the Rogers Centre just a few weeks ago, but in fact we'd need more than the Rogers Centre to hold all the new students. We'd need the Rogers Centre, the Air Canada Centre and Maple Leaf Gardens to hold the 86,000 new opportunities for Ontario students. That's at Seneca College, York University and throughout Ontario at every institution. It speaks to more opportunities for students to succeed.

*Interjections.*

**Hon. Mr. Bentley:** I know the NDP doesn't want to hear that, but every single new space is funded. That's a great, great achievement for the McGuinty government.

**Mr. Zimmer:** I know there was concern when the previous government ended grade 13. I well remember how worried my constituents were, because the previous government had not properly funded colleges and universities to adequately receive those students. Now these very same students are graduating from college and university, and many want to continue with graduate



studies. The previous government preferred to leave colleges and universities guessing, unfunded and worrying about how they were going to accommodate these students. Could you tell us what we're doing as a government to ensure that colleges and universities are ready for these new postgraduate students?

**Hon. Mr. Bentley:** As part of the Reaching Higher budget, the McGuinty government recognized that increasing the number of postgraduate opportunities at both the Ph.D. and master's level was essential if we were to achieve the economic potential of the future of this province and if we were to help students achieve their own potential.

As well as increasing undergraduate enrolment, the Premier and I were at sanofi in the north part of Toronto not too long ago. We made an announcement where we're increasing by 12,000 new spaces, by 2007-08, the number of master's and Ph.D. opportunities for Ontario students. That will increase to 14,000 by 2009-10. That represents a 55% increase in postgraduate opportunities for Ontario students over what it was when we started, over 2002-03. Those represent new opportunities for the students of Ontario and new opportunities for businesses to collaborate with those postgraduate students in the future.

#### CLASS SIZE

**Mr. Frank Klees (Oak Ridges):** My question is to the Premier. Premier, the Ministry of Education website, under "Class-Size Tracker," has the following question: "Will smaller classes in primary grades mean more students in other grades?" The answer is very clear: "As part of the commitment to reduce class sizes, boards must show that class sizes in grades 4 to 8 do not increase when class sizes are reduced in the early grades."

Minister, either this statement is intentionally misleading or —

**The Speaker (Hon. Michael A. Brown):** You need to withdraw that word.

**Mr. Klees:** I withdraw. Either this response or this statement regarding your policy is incorrect or your Ministers of Education have not adequately managed the implementation of your classroom policy. Which is it? Have your ministers mismanaged this or is this not your policy?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Education.

**Hon. Kathleen O. Wynne (Minister of Education):** Before we came to office in 2003, it was extremely clear, from a very loud voice of parents around this province, that they were very tired of averages across boards. They were tired of class size averages, which is what had been the case under the previous government, where you could have in one part of a board a class of 18 and, in another part of a board, 35. They knew that kids did better in the early years if they were sitting in small classes.

The way to implement a class size cap is to put resources into the targeted grades and lower the class sizes in those grades, and that allows the other class sizes to remain even. That's what we've done. We've put millions of dollars into the early years, kindergarten to grade 3, so that those teachers can lower those class sizes, and we're very close. Over 50% of our classes across the province in K to 3 are at 20 or fewer, and that's a great success.

**The Speaker:** Supplementary.

**Ms. Lisa MacLeod (Nepean-Carleton):** My riding would beg to differ. During the 2003 "say anything to get elected" election, your so-called education Premier promised a hard cap of 20 students per class in "the all-important early years." Let me read this from an extremely concerned parent in my riding:

"Upon finding out in the first week of school that my oldest daughter's class size was sitting at 37 and that it was a grade 4-5 split French immersion, I decided to wait out my concerns. Thursday, I attended the school's open house and visited the portable where my daughter spends the first part of her day.... Another parent raised her hand and asked the teacher what the exact number of children was. The teacher answered that it was down to 35. It is not only the number of children in the class," it's also that "it is a split one. Out of a two-and-a-half-hour time slot, minus prayers, the anthem and recess, these children are only actually being taught for one hour."

Thirty-five students in a split grade 4-5, in a portable, being taught one hour each morning—this is a sad commentary on this government.

**The Speaker:** The question has been asked. Minister.

**Hon. Ms. Wynne:** From having been in dozens of schools around the province, I know that teachers and parents are very happy that there are 3,600 more teachers in our schools since we were in office. What we said was that, over the period of our term, we were going to reduce those class sizes. Up to 90% of classes across the province were going to be at 20. We're in the process of doing that. We have moved so that more than 50% of those classes, K to 3, are going to be at 20 or fewer this year. We will continue to make those investments and, by next year, 90% of classes K to 3 will be at 20 or fewer.

#### NUCLEAR WASTE

**Mr. Peter Tabuns (Toronto-Danforth):** My question is for the Premier. Premier, Ontario Power Generation is proposing to construct a dump for radioactive waste at the Bruce nuclear site on the shores of Lake Huron. This proposal marks the first time in Canada that a permanent radioactive waste dump will be constructed deep underground. Yet despite the dangers, your government is failing to require OPG's radioactive waste dump to undergo a full provincial environmental assessment. It's opting instead for the weaker federal process.

**1510**

Premier, will you commit today to subjecting Ontario Power Generation's proposed radioactive waste dump to



an individual environmental assessment under the Ontario Environmental Assessment Act?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Energy.

**Hon. Dwight Duncan (Minister of Energy):** Our government remains committed to the most thorough environmental assessment processes around. We have been storing, on a temporary basis, nuclear waste at the Bruce site for many years. The member will be aware that there have been numerous public consultations in the areas around it. It's been endorsed by most of the surrounding communities.

In terms of the permanent storage of nuclear waste, the federal government, through its Nuclear Waste Management Organization, is currently looking at options for the long-term storage of nuclear waste. That, of course, is a federal jurisdiction, and we look forward to that process being resolved and moving forward over time.

Again, I wish to stress that this government remains very committed to doing what is appropriate in the circumstances to ensure that all of this material is managed and stored in the safest and best way possible.

**Mr. Tabuns:** It's interesting that it is Ontario Power Generation that is actually doing this and not the federal government. It's your low and intermediate waste that's being dealt with, not your fuel rods.

Nonetheless, Ontarians know of the love that the McGuinty government has for all things nuclear. A project that poses this kind of threat to human health, to the Great Lakes, is one that must be subjected to the most stringent environmental assessment, but it's not; contrary to what you said, it's not. The Canadian Nuclear Safety Commission is proposing that this project not undergo the most rigorous level of environmental assessment at the federal level.

Minister, Ontarians want OPG's deep underground dump for low and intermediate radioactive waste to be exposed to the clear light of day. Will you, as minister, act in cabinet to see that it undergoes a full individual environmental assessment under the Ontario Environmental Assessment Act?

**Hon. Mr. Duncan:** I will remind the member opposite that in his own question, he referenced the fact that this is a federal jurisdiction.

Just so the member knows what we mean by low-level nuclear waste, we are including mops, plastic sheeting, protective clothing, floor sweepings, paper towels and rags. These can be compacted or incinerated to reduce volume and then stored at the nuclear stations. If the member is proposing that they be shipped somewhere, we could talk about that. That would presumably involve moving them across provincial highways and roads.

Mid-level or intermediate waste comprises such items as replaced valves and filters used to decontaminate heavy water, as well as any other piece of equipment—for example, pressure tubes—used in the production of power.

Low- and intermediate-level waste is stored in concrete dry-storage containers or in underground containers

at the nuclear stations. They are monitored and regulated by an authority other than the owner of the asset. I think that's appropriate—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

## AUTOMOTIVE INDUSTRY

**Mrs. Linda Jeffrey (Brampton Centre):** My question is for the Minister of Economic Development and Trade. I understand that the \$500-million auto fund was created to assist automakers. The Leader of the Opposition says that he's always been in favour of the government's \$500-million auto fund. Can you set the record straight?

**Hon. Sandra Pupatello (Minister of Economic Development and Trade, minister responsible for women's issues):** I think it's important to note that the Leader of the Opposition, frankly, is all over the map. We wish he might have voted in favour of a budget that included our auto investment strategy, but he was opposed. Moreover, his own critic for economic development and trade is on the record as opposing government involvement in attracting business here to Ontario.

Let me just read an interesting quote, since it seems to be the day for quotes in this House:

"Ontario's opposition Tories say Canadian governments should not be giving taxpayers' money to companies to attract mega-projects like a new automotive plant.

"'I don't think it does anything to strengthen the province across the board, so I think it's a wrong-headed way to go,' said Conservative economic development critic Ted Chudleigh."

I say he's wrong. I say we have great proof that the work of this government in partnering with our business community is working.

**Mrs. Jeffrey:** Last week, the Premier was able to visit the Brampton Chrysler facility, and I know the three Brampton members were very proud, because about \$786 million has gone into Chrysler. Our community would be the poorer had that investment not been made, so we're very grateful.

Minister, can you tell us the benefits to other parts of the province? This auto fund has also helped other communities. What other communities have benefited from this fund?

**Hon. Ms. Pupatello:** I appreciate that this member in particular from Brampton understands the value of a significant development by DaimlerChrysler, as should members of the opposition. Unfortunately, they do not.

Likewise, people who work at Ford Motor Co. understand the value of our government bringing a significant investment to Ford Motor Co., affecting both Windsor and Oakville; in addition, General Motors, with the massive Beacon project, as well as Linamar, as well as Navistar, and the list goes on and on. In total, being part of a government that leverages \$7 billion in auto sector investment does work for Ontario.



While all of automotive around the world is shifting, and we acknowledge that, this province is getting ready for the next generation of auto. I can tell you that our investments mean that this government will be ready for the next generation of auto.

### CURRICULUM

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** My question is to the Premier. Last week, the Environmental Commissioner stated that your record on the environment is right there in the title: *Neglecting Our Obligations*. In the report, he stated that the McGuinty government lacks action in nearly every area of environmental management, including outdoor education.

An article in today's *Toronto Star* states that some young children are expecting to see whales in Lake Simcoe. This is from a government where the Premier calls himself the education Premier. It's clear that the McGuinty Liberal government has failed to provide the children of Ontario with adequate environmental education.

Minister, other than the sudden closure of the Leslie M. Frost Natural Resources Centre two years ago, what are you doing to educate our children to be good environmental stewards?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Education, Speaker.

**Hon. Kathleen O. Wynne (Minister of Education):** There's always a debate with some of these subjects around whether you have a set module or whether you weave the issue throughout the curriculum. Let me tell you what we've done.

The revised grades 1 to 8 social studies, history and geography curriculum that was released in August 2004 and the revised grades 9 to 12 Canadian and world studies curriculum all have the environment and environmental studies as part of what they do. I think that's the philosophy, that we need to weave environmental studies throughout all of our curriculum areas.

The other issue is that we are in the process of setting up a curriculum council, and these are the kinds of issues—whether it's gender studies or whether it's environmental studies, those need to come to the curriculum council and be assessed at that point.

**Ms. Scott:** Minister, there's nothing that can replace going to an outdoor education centre and children seeing first-hand the effects of nature and how we have to work in conjunction with nature to be good environmental stewards. The Environmental Commissioner says that under your government, outdoor education is increasingly under threat. If you're so committed to education and the environment as you say you are, will you tell us today when you're going to reopen the Frost Centre? Or is this just another broken promise by the self-proclaimed education Premier?

1520

**Hon. Ms. Wynne:** I know that the member opposite wasn't in the caucus in 1998, when the previous gov-

ernment cut environmental studies from the curriculum altogether, but she does have to take some responsibility for the philosophy of the previous government.

What we've actually done in our review of the curriculum is build environmental studies back into the curriculum. There is a school of thought in pedagogy, in elementary particularly, that suggests that you really shouldn't be segmenting these subjects; you actually should be weaving environmental studies and science and geography together. It's called an integrated curriculum. What we are doing is providing those pillars of learning throughout the curriculum. That's sound pedagogical practice.

### FOREST INDUSTRY

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Minister of Natural Resources. Minister, the north corridor assessment resources services program provides counselling services to employees in the forestry sector. Unfortunately, as you know, there have been a large number of layoffs in communities like Opasatika, Smooth Rock Falls, Kirkland Lake, Chapleau—and the list goes on. However, at the very time the demand for their counselling services is up, the north corridor assessment resources services budget has been cut by 25% due to their per capita funding formula.

Minister, we've been asking you since last spring to provide emergency funding for this organization so they can do the important work that they've got to do with those workers who are being laid off. Are you prepared, today, in this House, to commit to emergency funding for the north corridor assessment resources services?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I think the member would obviously know, because he represents the town of Smooth Rock Falls, about the efforts that the government of Ontario is making with the community there. They've now hired a new economic development officer. The mayor has now got a team in place that's helping the workers. There's a community that has been very hard hit. Obviously, this indefinite layoff that has happened there very much saddens us. We are putting the resources in there to work with the community, to make sure the workers have the proper adjustment program. We think this is the right and proper role of government—and that's what we're doing.

**Mr. Bisson:** The worst part is, this minister knows what I'm asking him, and he can't even answer the question. The question is about the north corridor assessment resources services budget, not the town of Smooth Rock Falls or Opasatika. These people are charged to do employee assistance. We have many people who, because of layoffs, are having problems within their families when it comes to family violence. We have the issue of alcoholism and others that have to be dealt with. These employees need the assistance of this organization. There are many people in your riding, as in mine, who are being affected because they've lost their jobs, and they're



asking for help. They're asking for that help from this particular organization, and they're not going to be able to get it because the organization doesn't have the funding necessary to provide the services.

So I'm asking you again, are you prepared to provide emergency funding for this organization so they can support your constituents, my constituents, and the constituents of northern Ontario?

**Hon. Mr. Ramsay:** I'd say to the member that I'm prepared to work with him on this. I understand how important he feels this is, and of course it is, when we see displaced workers right across northern Ontario. We need to do all we can to help them with the adjustment that the industry is going into.

As the member knows, we're investing over \$900 million in our forest adjustment program. We have seen many investments as of late, including one just down the road, where some of his constituents work, in Kenogami, outside of Kirkland Lake. I met with union officials there, and they really understood the benefit now of this conversion from a very small sawmill that wasn't very viable to a new value-added facility that's making finger-joint lumber that's of high value.

I'm committed to working with the member and making sure that we regain these jobs in northern Ontario. In the interim, we have to work on some of these adjustment programs.

#### CITY OF CORNWALL

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** My question is to the Minister of Transportation. Minister, for many people coming to Cornwall, Brookdale Avenue is the key point of entry. The first impressions they have of the city—the only city in my riding of Stormont-Dundas-Charlottenburgh—come from that stretch of roadway. Also, it is the main thoroughfare for traffic heading toward the Seaway International Bridge and on to the United States—and I can remember that thoroughfare as a country road, a rural road, unpaved, back in the 1950s. For that reason, it is important that Brookdale Avenue be upgraded to handle an extensive traffic load and provide an enticement to passersby to perhaps explore the rest of the city as well.

Minister, can you share with us what work is being done in the Cornwall area that will benefit my constituents, visitors to my riding and those crossing the international border?

**Hon. Donna H. Cansfield (Minister of Transportation):** I thank the member. The member has been a strong force within his community. I recall him so eloquently saying that Stormont-Dundas-Charlottenburgh is back on the map because of the McGuinty government, and there's just no question. I'm proud to say that we've made record investments not only in transportation in terms of the roads but in transit as well. Since October 2003, this government has committed over \$1.7 million to the city of Cornwall to support public transit including, by October 2007, an additional \$1 million for the total

gas tax funding. We've also provided Cornwall with \$700,000 in terms of what they're going to do with their public vehicles and a loan. We've put \$1.9 million into Move Ontario funding for the city. We've also put \$8 million to assist Cornwall in the construction and reconstruction of Brookdale Avenue linking provincial traffic to the international bridge. Finally, we are investing \$17.7 million—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister.

You may have a supplementary.

**Mr. Brownell:** Minister, I can tell you that Cornwall and all of Stormont-Dundas-Charlottenburgh are thrilled to finally have a government that acknowledges their needs and is certainly doing something about them. Having faced some economic difficulties recently, my riding is in a state of transition. The Minister of Finance saw that this summer. The Minister of Labour was down and he saw it this summer. You were down this summer. I was thrilled that you came into the riding and were able to see some of the concerns and some of the issues that I have been talking about here in the Legislature.

Minister, can you please tell us what this government is doing to ensure continued growth and prosperity for the people of Cornwall and all of those from my riding of Stormont-Dundas-Charlottenburgh?

**Hon. Mrs. Cansfield:** I'm delighted to be able to say that in addition to the Brookdale project, as an example, there's new infrastructure for three new capital hospital projects, water and waste facilities, cultural funding, discretionary funding and general support with this government. The difference between the previous government and this government is inaction to action. Not only that, we've put a little bit of money behind our action to ensure that the people of Cornwall are being listened to not only through their member who does this so regularly by contacting us and involving us in the issues that are necessary, but also by ensuring that your community is being listened to, as we just did when you brought somebody in as we were talking about the noise barriers along the highway, as we're putting that investment of \$17.7 million into the 401 from Cornwall to the Quebec border. So we recognize that the challenges are there, and we've addressed those challenges by actually putting the dollars—as I said, action—into the community.

#### WATER QUALITY

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** My question is to the Minister of Natural Resources. As you'll recall, some time ago we had some discussions in this House about whose responsibility it is to look after the rivers in this province. I would just like to ask the minister when he will live up to his responsibility and look after the Saugeen River and fix the Saugeen River so it won't take out the lagoons in Neustadt.

As he knows, there was another study done. The people of Neustadt cannot afford to fix this river. It is his responsibility, and I would like to know when the



minister will announce in this House that he's going to look after his responsibilities and look after the rivers in this province.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I think we'll do a little River 101 for the member there and talk about the evolution of rivers. I have to say to the member, they get bigger. That's just what rivers do, because they erode and they get larger. That's the course of a river, if you will.

We have talked about this. If people put some sort of structure by a river, then they have the responsibility to protect that value. Whether it be your house, a commercial property or, in this case, a municipal infrastructure, then it's up to the owner to protect that asset from the erosion of the river. But we tell people, you shouldn't be building assets close to rivers and beaches, because these things erode. That's the nature of the evolution of watercourses. I'm saying that to the member, and it's up to the municipality to fix it.

1530

**Mr. Murdoch:** On a point of order, Mr. Speaker: I'd like to remind the minister that it was the province that put the lagoon there in the first place.

## PETITIONS

### WATER QUALITY

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** I have a petition here for the Legislative Assembly, asking this government to amend the Clean Water Act.

"To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

I support this petition and affix my signature to it.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** I'd just ask members if they would take their private conversations outside.

## IMMIGRANTS' SKILLS

**Mr. Jeff Leal (Peterborough):** "To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, managerial and professional talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I agree with this petition and I will sign my name to it.

## MACULAR DEGENERATION

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition that reads:

"To the Legislative Assembly of Ontario:

"Whereas the government of Ontario's health insurance plan covers treatments for one form of macular degeneration (wet), and there are other forms of macular degeneration (dry) that are not covered,

"Therefore be it resolved that we, the undersigned, respectfully petition the government of Ontario as follows:

"There are thousands of Ontarians who suffer from macular degeneration, resulting in loss of sight if treatment is not pursued. Treatment costs for this disease are astronomical for most individuals and add a financial burden to their lives. Their only alternative is loss of sight. We believe the government of Ontario should cover treatment for all forms of macular degeneration through the Ontario health insurance program."

I affix my name in full support.

## FAIR ACCESS TO PROFESSIONS

**Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale):** The petition is to the Legislative Assembly of Ontario:

“Whereas the McGuinty government is committed to establishing measures that will break down the barriers for Ontario newcomers; and

“Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

“Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

“Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

“We, the undersigned, respectfully petition the Legislature of Ontario as follows:

“That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature.”

I agree with the petitioners and affix my signature on the petition as well.

## LONG-TERM CARE

**Mr. John O'Toole (Durham):** I'm pleased to present a petition on behalf of my constituents in the riding of Durham. It reads as follows:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I'm pleased to support this on behalf of my constituents and to present it to Dominic.

**Ms. Shelley Martel (Nickel Belt):** I have petitions that have been sent to me by members of SEIU Local 1.0n, that read as follows:

“Whereas, in June 2003, Dalton McGuinty said, ‘Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios’; and

“Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

“Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

“Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

“Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day.”

I agree with the petitioners and I've affixed my signature to this.

## FAIR ACCESS TO PROFESSIONS

**Mr. Shafiq Qaadri (Etobicoke North):** I have a petition here addressed to the Legislative Assembly of Ontario.

“In Support of Skilled Immigrants—Bill 124:

“Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

“Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

“Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

“Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

“We, the undersigned, respectfully petition the Legislature of Ontario as follows:

“That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature.”

I wholeheartedly support this and send it to you via page Julia.



## CHILD CUSTODY

**Mrs. Christine Elliott (Whitby–Ajax):** I have a petition from Cangrands to the Legislative Assembly of Ontario:

“Whereas the people of the province of Ontario deserve and have the right to request an amendment to the Children’s Law Reform Act to emphasize the importance of children’s relationships with their parents and grandparents; and

“Whereas subsection 20(2.1) requires parents and others with custody of children to refrain from unreasonably placing obstacles to personal relations between the children and their grandparents; and

“Whereas subsection 24(2) contains a list of matters that a court must consider when determining the best interests of a child. The bill amends that subsection to include a specific reference to the importance of maintaining emotional ties between children and grandparents; and

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“Whereas subsection 24(2.1) requires a court that is considering custody of or access to a child to give effect to the principle that a child should have as much contact with each parent and grandparents as is consistent with the best interests of the child.

“Subsection 24(2.2) requires a court that is considering custody of a child to take into consideration each applicant’s willingness to facilitate as much contact between the child and each parent and grandparent as is consistent with the best interests of the child.

“We, the undersigned, hereby petition the Legislative Assembly of Ontario to amend the Children’s Law Reform Act to emphasize the importance of children’s relationships with their parents and grandparents.”

As I’m in agreement with this petition, I’m pleased to affix my signature to it.

## IMMIGRANTS’ SKILLS

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly that has been signed primarily by executive directors of different multicultural groups, and I especially thank Haroon Khan of Mississauga for the work that he did in collecting the signatures. It reads as follows:

“Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

“Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, managerial and professional talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

“Whereas action by Ontario’s trades and professions could remove many such barriers, but Ontario’s trades

and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario’s regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario’s employers, Ontario’s newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families.”

I absolutely support this petition. I’m pleased to affix my signature and to ask page Annaliese to carry it for me.

## WATER QUALITY

**Mr. John O’Toole (Durham):** I’m pleased to present another petition from the riding of Durham. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas every Ontarian wants the best water quality possible; and

“Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

“Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

“Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

“Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

“Whereas rural Ontario stands to suffer significantly under this poorly thought-out policy;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place.”

I’m pleased, as a member of the committee that dealt with this, to sign and support this and present it to Sarah.

## LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** These petitions are sent to me by members of SEIU Local 1.on. They read as follows:

“Whereas, in June 2003, Dalton McGuinty said, ‘Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and



will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios'; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I agree with the petitioners. I've affixed my signature to this.

## ORDERS OF THE DAY

### FAIR ACCESS TO REGULATED PROFESSIONS ACT, 2006

#### LOI DE 2006 SUR L'ACCÈS ÉQUITABLE AUX PROFESSIONS RÉGLEMENTÉES

Resuming the debate adjourned on October 3, 2006, on the motion for second reading of Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions / Projet de loi 124, Loi prévoyant des pratiques d'inscription équitables dans les professions réglementées de l'Ontario.

**The Acting Speaker (Mr. Ted Arnott):** When we last debated this bill, the member for Toronto–Danforth had the floor. I recognize the member for Toronto–Danforth to resume his presentation.

**Mr. Peter Tabuns (Toronto–Danforth):** Where I'd left off when we were discussing this bill previously was going through the amendments that the NDP feels are necessary to give this bill some teeth, to make sure that it has the impact on new Canadians and on our job market that it has to have, because so many people's lives are being wasted, so much economic potential is being wasted, so much has to change to make this province live up to its promise.

Where I had left off was the need, frankly, to include in this bill the list of professions to be regulated. I had said before that Judge Thomson had actually listed them in his report, and he has. There's a list in the appendices that one can go through. No big mystery there. It would be very easy for the people responsible for writing the

legislation to take that list, simply put it into the act, and provide in the act power for the government of the day to add other professions as they become regulated.

Many in the McGuinty government are reluctant to include in the act the actual list of professions to be regulated. I've found in my short time here in this Legislature that this government has tremendous fondness for leaving items out of the legislation, making sure that the real substance will be decided at a later point in the regulations themselves, and that has tremendous problems.

A week ago, the Environmental Commissioner for Ontario, in his report *Neglecting Our Obligations*, talked about a change in regulation to the Nutrient Management Act. He was very clear that that change in regulations resulted in an act and regulations that were virtually unenforceable. What that says to me is that giving this government a blank cheque with regulations means that we've given them far too much power, that we have undermined our authority as legislators to put in place protections for those internationally educated professionals to know that the professions they are interested in are covered by the legislation.

It eliminates the wiggle room that this government wants to put in place in this legislation. Put the list in the legislation from the beginning so we know what's being regulated, so we know which professions are going to be covered by the act. Give the government of the day the powers necessary to add more regulated professions as time goes by.

A fourth amendment that I believe needs to be made is to fully establish a fair registration practices code in the legislation. Judge Thomson, in his report, called for the establishment of a fair registration practices code. If you look in the legislation, there's reference to "fair registration practices," but I would say that if you look at the Thomson report and you look at what's being legislated, not all that Judge Thomson called for actually made it to the legislation.

He called for the code to include a requirement that regulators periodically review and make improvements to registration practices on the basis of the code and on the basis of recommendations of the Thomson report and published reports of innovative registration practices developed in other jurisdictions. Frankly, I think we're going to need that piece that's not included in the legislation. We need constant assessment and review of our registration practices to ensure that ossified, old, rigid systems don't set the future for us; that we set the future for ourselves; that we look at what's being done in other jurisdictions that allows those jurisdictions to fully realize the talents of the people who live in those jurisdictions. We should, on the basis of the professions themselves, protect them and protect new Canadians, to make sure that the fair practices code includes this requirement for review, for improvement on a constant basis.

**1550**

I know that in the course of going through this bill, in the course of committee hearings, we will hear from many people; many people who will say to us, "Here are



elements of a fair practices code that will make this bill better, stronger, more able to actually deliver on what has to be in its substance." I think that element, making sure that all of Judge Thomson's requirements are included in the fair registration practices, are incorporated in the bill—and we, as legislators, should be ready, as we listen to the public, the people, when they come to speak to us, to incorporate their changes to that fair practices code so it's complete and thorough.

We need to establish a department within the access centre that will be established in this bill, that the act creates, which will evaluate the equivalence of standards between regulatory bodies and educational institutions in other countries, and compare their standards to those set here in Ontario. This data will be provided to regulatory bodies to assist them in determining equivalence of credentials.

This is a very big issue, and it comes up time after time when I talk with internationally educated professionals. They know that in different jurisdictions around the world, the requirements they have—the requirements for practice, the educational standards—are already equivalent to those existing in Ontario. But there is not a government body there assessing those things and making that information generally available.

We're often reminded that we live in a global economy. We do. And in this global economy, capital, talent flow between borders. In 1989, Canada signed a UNESCO convention, and it committed itself to the international mobility of teachers, researchers and professional workers by recognizing foreign-earned credentials. We need to take that commitment by Canada, that commitment made at the UNESCO convention, and make sure that it can be actualized, realized, by assigning a responsibility in this act to a body that will on a regular basis be assessing the equivalence of credentials.

We know that the mobility Canada committed itself to doesn't exist right now. When people come to this country, the value of their credentials is not recognized. Their expertise and their knowledge are devalued. That's why people express intense frustration, intense anger at times, about the fact that licensing bodies and employers don't give them adequate credit for the work, the prior learning, the accreditation they've accrued overseas. The very experience that allowed them to come to Canada, the points they were given when they were assessed by immigration officers, mean nothing when they come here—nothing. Too often, all of the work they've done, all the experience they've acquired, all of the skill they've demonstrated, means nothing. They need to have a backup. We need to have a system in place, an office in place, that will evaluate those skills, those experiences, the standards of regulatory bodies in other jurisdictions, so that people can in fact get the recognition they deserve.

We need to make the process of registration as simple, as straightforward and as seamless as we possibly can. To the extent that we can assess the value of overseas credentials and experience, to the extent that we can

assess the standards by which regulatory bodies in other jurisdictions confer registration, we increase the chances that we will very easily and simply confer recognition on people. We set the floor for reciprocal agreements between professional bodies here and professional bodies overseas—and frankly not just overseas: in other countries; in North America; across Canada. To the extent that we develop that base of information that allows us to quickly establish equivalency—to that extent, we reduce our own expenses, our own burden, and open the door for those professionals who come here.

Many bodies lack the capacity to conduct just such cross-jurisdictional assessment. Many multi-party cross-comparisons are quite resource-intensive, and this has been echoed in policy research. The Caledon Institute on Social Policy reported on its strategy paper, *Fulfilling the Promise: Integrating Immigrant Skills into the Canadian Economy*, and they say, "Many regulators are small and do not have the resources to conduct regulatory reviews on their own. Though many are willing, they require assistance, tools and support." Research that establishes the equivalency of experience and education between jurisdictions will help any regulatory tribunal in assessing the basis and fact for accepting or rejecting credentials. To the extent that we're able to set this up and have it rolling, we will help all of the regulatory bodies that are finding their way to for once making sure that people do have the open door they deserve.

My sixth amendment is: Give the minister, upon recommendation from the fairness commissioner, power to eliminate registration practices that are contrary to the fair registration practices code. The act, as written, gives the fairness commissioner authority to recommend to the relevant minister that he or she effect changes to the degree that they currently have power. The change that I am proposing is to expand the powers of the minister to deal with practices that are contrary to the fair practices code embodied in this bill. This would not allow for a weakening of standards on the part of regulatory bodies, but it would give the minister power to deal with unfair or discriminatory practices that may have been left uncorrected by the regulatory body. And it's entirely reasonable that, in situations where an unfair or discriminatory practice is in place, the minister must have the power to step in and eliminate that discriminatory practice.

When I talk to internationally educated professionals, many of them talk about requirements for registration that don't reflect truly the need for them to prove that they're skilled, capable, experienced. What they do reflect, in their eyes, are actions on the part of regulatory bodies that they see as simply screening them out. The fairness commissioner must have the authority and the task of looking for those standards that are simply there to screen people out, those that don't bear on the actual capability of applicants, and in turn the minister has to have the power to act on recommendations from the fairness commissioner to sweep away discriminatory or unreasonable standards for access to practice. It has to be there.



I believe there needs to be a seventh amendment as well, and that's that the fairness commissioner is to report annually to the Legislature on the impact of this legislation on the employment of internationally educated professionals and to report on the success of internationally educated professionals applying for certification. We need to know whether this legislation actually has the impact it's purported to have. The population needs to be able to measure the activities of the regulatory bodies, needs to be able to measure the effectiveness of this legislation so that if the problem is not corrected, the lack of correction will be readily apparent and we here, the legislators, will be able to hold the government to account.

1600

This has real implications for people's lives. As we know now, many people see their skills and talents wasted, shut in and locked in to low-skill jobs, when what they really need is to be working at their full level of professionalism. We need to take a wide range of anecdotes, a wide range of stories, and boil them down into statistics so that we can hold the government of the day accountable, so that we can hold accountable the machinery that we put in place with this legislation.

Lastly, as an amendment, I believe that a fairness commissioner has to be appointed by this Legislature. Newcomers need an advocate. They need someone who will not be simply a voice piece for the government of the day. They need someone who will be speaking up for them, who, like the Environmental Commissioner, will be coming forward on a regular basis and speaking here, talking about the problems they're encountering, so that they won't simply be in a position where they're answerable to cabinet and to a government that can dismiss them at any given point, and will be answerable instead to the Legislature as a whole so that the information we get is as full, corroborated and objective as possible.

I've spoken at some length about Judge Thomson's findings. I found that his report was insightful, judicious and quite practical. Earlier, I mentioned that this legislation itself will not resolve the lack of access that internationally educated professionals encounter when they come to this country, when they come to this province. Thomson understood that as well, and he underscored it in his commentary. He mentioned several times that an open, objective registration and accreditation process is only one piece of the puzzle—and there are many pieces that have to be put in place—to improve access to professions by qualified, internationally educated professionals. He wrote:

"Participants cited many other issues as fundamentally important, such as the appropriateness of entry-to-practice requirements and the need for additional courses and bridging programs to help internationally educated applicants acquire ... missing qualifications."

Bill 124 does not break down the many other barriers that keep international professionals from working in their fields, such as scarcity of opportunities to get the requisite Canadian experience. Canadian experience is a

requisite for many internationally educated professionals. However, the programs, the opportunities to obtain this experience, are not in adequate supply. The bridging programs that are needed to get work placements for people are not there in the way they need to be there to actually break through this problem. In his report, Thomson mentions that bridging programs are not universally available for all regulated professions. In this year's provincial budget, there was no increased funding for bridging programs. This is a government that has talked at length about the need to deal with this problem, that has talked about it as a priority, and in my estimation, a budget is as good a document as any for judging whether or not something is a priority in the eyes of a government. There isn't the money there.

Newcomers and advocates repeatedly report that the availability of spaces for real work experience does not match the demand. Last spring, Minister Colle announced the creation of new spaces and bridging programs, but the number he created is actually less than were in place two years ago. He announced bridging programs that will help 3,000 newcomers over the next three years. On average, that's about 1,000 newcomers per year. That's 1,000 per year less than one finds in comparison to previous years. According to the reports, between 2003 and 2006, there have been 6,000 enrollees in bridging programs for foreign skilled workers. That averages 2,000 a year. Now we're down to 1,000 per year. There has actually been a reduction in something that's said to be a significant priority. Even if they were given the full amount that had been previously assigned by this McGuinty government, look at the overall numbers: There are approximately 12,500 internationally educated professionals arriving in Ontario every year—12,500. So it's readily apparent that at 1,000 a year or 2,000 a year, we're falling far short of what's actually needed to deal with the issue at hand.

The majority of newcomers are not getting the support they need, even though they've been encouraged to come here because they have the skills this country needs and because they have skills that we in this province say we have to have. They come here, they find out they're not eligible to work in their respective fields; their lives and talents are wasted and our province suffers as well.

The minister on several occasions has announced 70 internships with the Ontario public service. I'd say that these spots are welcome, but I note again: 12,500 internationally educated professionals arriving here every year, and 70 internships. The relationship between the need, the scope of the problem, and the level of attention, the level of commitment, is huge, and this government is not working to bridge that gap, that abyss. It continues on with part measures.

Bridging programs themselves, even when they do exist, often do not provide what's needed. Often the programs do not actually designate a parallel bridge between a particular level of skill and a comparable level of skill. They are connected to a downward slope, a reduction in skill utilization. Often the level of expertise



that applicants have is far above the level of expertise required in the bridging spots they are offered, so people, very frustrated with not being able to get a spot doing the work that they have experience doing, will take a lower level. For instance, a physician applies for a bridging program for a medical lab technologist.

What we're developing in Ontario, when we don't put in adequate resources, is a very overqualified supplementary workforce. That has to end. We need to take people, their full skills, their full training, and make sure that the work they do is fitted properly to that full skill, full training.

Many bridging programs don't actually give people employment experience. They're adjustment programs that don't actually put people in jobs where they can acquire the Canadian experience that so many are told is the absolute prerequisite of getting any work.

This last summer, the Policy Roundtable Mobilizing Professions and Trades released research, the first of its kind in Ontario, that found there's a big discrepancy between what many bridging program promote as the outcome of their services and what they actually deliver. The most alarming part of this report was that several didn't include any work component at all.

By name alone, these bridging programs propose to be bridges to the labour market, and what employers and regulatory bodies demand is Canadian work experience regardless of the wealth of experience that newcomers bring. But the newcomer doesn't get that work. The work component has to be a mandatory part of bridging programs. In part, in order to meet this need, we have to ensure that employers are offered incentives, making sure that employers are introduced to this highly skilled, highly capable, very committed, energetic workforce, a group that currently is set aside. When employers do have that opportunity, when you break through that initial resistance, they see the value of, the quality of, the people and their commitment to work, and then that reluctance is replaced with recruitment.

1610

Last year, I had an opportunity to be at Seneca College talking with their senior administration about their programs. They told me about some of their courses that included co-op placements. They said, "Our statistics are really bad here because large numbers of people never finish the course. The reality is, once they've got a co-op placement, often they're hired, they quit the course and they just get on with life." We need to ensure that what we have in place is that opportunity for people to get into those job placements so they can show their skill and talent and carry on from there.

Governments can encourage that scenario. They can put the money in so that we aren't losing hundreds of millions of dollars in tax revenue because people aren't earning at the level they could be earning if, indeed, their skills were properly employed.

Manitoba is moving on this front. A key component of its credentials recognition program, which is designed to help professional and technically trained immigrants, is a

wage assistance program. The Manitoba government provides employers a wage subsidy that covers 40% of gross wages per employee. That is tremendously helpful. This government should be doing that.

This government has opportunities to do that. Just this past summer it was noted that the province had collected a windfall from funds given by immigrants that are supposed to be used for the purposes of creating employment. The province is sitting on \$328 million collected through the immigrant investor program. By law, these funds are being lent to the province "to create or continue employment." This money is to create positions for newcomers that will give them the experience they require to get recredited. It fits what this province needs, but we're not deploying those funds. We're not using them the way they need to be used so that people actually get into the workplace, establish a track record and then are able to use their skills, their talents, their energy to build their lives and build this province.

It's interesting—I'll just read a brief note. "Ontario Government Failing to Create Jobs with Immigration Fund," Canadian Press NewsWire, June 1, 2006: "The Ontario government is sitting on a \$328-million fund 'borrowed' from wealthy immigrants that was meant to create jobs and economic development in the province but is doing no such thing, the Toronto Sun reported Thursday.

"Instead, Ontario has put the cash into 'zero-coupon' or discounted bonds, reaping a very small windfall from an ultra-safe investment that hasn't created a single job in the six-plus years the program has been running.

"The fund has accrued just under \$10 million in interest, which has yet to be spent."

It's October now, and we're not seeing the action that we need to see.

I'll summarize, in the few minutes left to me. New Canadians are falling behind. Life has always been difficult for people coming to this country, but it is becoming increasingly more difficult. The bill that's before us doesn't have the teeth that it needs to actually deliver what has to be delivered.

I've recommended eight amendments that build on the Thomson report. It's my concern that if we don't actually amend the bill, we will not see the changes that new Canadians expect; we will not see the changes that this society and this economy need. We have to move forward. We have to amend the bill to give it the teeth, the muscle to actually deliver on what people want to see. If we don't go beyond the bill, if we don't provide financial support, if we don't have a more active approach to promoting newcomers in the workplace, even a strengthened bill won't give us what this society needs, what new Canadians need.

We have to go beyond the bill to help not only new Canadians who are professionals but new Canadians who are not professionals, because right now, people's lives are being wasted. People are achieving far below their earning potential, are living in a way that is far more



difficult than they should have to live, and we in this province are far poorer because of that.

Mr. Speaker, thank you for this opportunity to address the bill.

**The Acting Speaker:** Thank you very much. Questions and comments?

**Mr. Khalil Ramal (London–Fanshawe):** First I want to thank the member from Toronto–Danforth for his speech about the importance of this bill and that by passing this bill we can create some kind of mechanism to help many newcomers to fit and get accredited in this province of Ontario. It's very important, not just for one party but for all of us as elected officials in this place, to help the newcomers to use their skills and their talents, especially the people who came from different parts of the globe to be with us, to give us their talent and education, their skills. They want to be full Canadians, fully skilled Canadians. They want to use and utilize their ability to help us in this province to continue building this province and also be great assets for the province of Ontario, and also good taxpayers.

As you know, this bill is probably the only bill in the province of Ontario—it's new of its kind, not just in the province of Ontario, but probably in the whole nation. It's important to pass this bill because this bill will help a lot of people in this province of Ontario. It's new. It will create a mechanism and create a clear vision for the people who want to immigrate to Canada, who want to come to Ontario, to know beforehand what's required to get accredited. They know exactly what they're going to face when they arrive in this land.

I would agree with the member from Toronto–Danforth about the difficulties many newcomers face when they come to this province. They don't know the regulations, they don't know what they are up to and how they can fit and get credit. This bill will help them a great deal to know clearly what is required from them and how they can fit and how they get accredited.

I'm looking forward to hearing from more members, and hopefully all the people in this House will support this bill.

**Mr. John O'Toole (Durham):** I'm very impressed by the NDP critic being able to stand up for an hour and give us some very informed comments with respect to a bill that for the most part is dealing with the fair and open regulation—I'll just read the purpose of the bill. The purpose here is "to help ensure that regulated professions and individuals applying for registration by regulated professions are governed by registration practices that are transparent, objective, impartial and fair." In that vein, if that's the intent, in light of the need for skilled people within the economy of Ontario, indeed Canada, who would be opposed to that process? That is quite honestly my impression of the bill, and I'm anxious to hear our critic, the member for Oak Ridges, Frank Klees, who is more eminently qualified—he's also our education critic—to comment as insightfully as the member has commented.

But I often wonder sometimes that the colleges themselves—not to be critical; I'm just offering some observations here—are by any other name a professional organization that could be compared to unions. It's all good; it's to protect the conditions of work and the knowledge of the profession that they're—for instance, lawyers. The Law Society of Upper Canada has a role there, sort of acting as—now the problem there becomes the enforcement provisions under the college's mandate. This becomes a bit of a conflict; you know, a "who checks the checker?" kind of argument in terms of philosophical disagreements. If someone is qualified or not qualified, you have to make sure the process for appeals or those reviews is independent. I'm all for the independence of that review process really, quite frankly. I'm anxious to hear the debate on this, because what we need here, in fairness, is independence of those who are judging the qualifications of professionals.

**Ms. Shelley Martel (Nickel Belt):** I want to congratulate my colleague from Toronto–Danforth for his remarks this afternoon and, frankly, for the remarks that he made earlier, last week, which I did have a chance to read before I came here this afternoon. What was important about the speech that he delivered was to point out the shortcomings in the bill that is before us in reference to the recommendations that were made by Judge Thomson and how regrettable it is that the government couldn't find its way or see fit to incorporate the recommendations of the very individual whom they asked to do the work on this important subject.

1620

Secondly, I think the amendments that he has put on the floor today are important if we're going to give this bill any teeth, if we have any hope at all of saving the bill and having it do what the government purports it will do; that is, to make sure that newcomers to this country have a place and that that place is secure and they are active members and active participants in our economy.

A couple of months ago, I was at the St. Lawrence Centre listening to part of a lecture series that was going on last fall. That particular lecture that evening focused on newcomers, particularly women, and their experience in this country. There was a broad range of women who were both speaking and then speaking from the floor when they had the opportunity, and a broad range in terms of their professional skills, their qualifications, etc. What was regrettably true amongst all of them is that their experience in Canada was certainly less than positive. It was less than what they had been led to believe could be available here for them. It was less because they were not allowed to practise their professional skills; it was less because they were earning income that was less than that where they came from; it was less because they did not feel like they fit.

This bill had better be doing something about these women, and in its current state, it certainly is not.

**Mr. Bas Balkissoon (Scarborough–Rouge River):** The government introduced Bill 124, the Fair Access to Regulated Professions Act, last June. This bill was



introduced strictly to help newcomers find work in their appropriate fields.

If this legislation is passed, it would make the process for applying for admission to regulated professional bodies fairer and more transparent. It would provide consistency and accountability and eventually provide us with a higher standard to our workforce.

As we face the challenges of the global economy, we have limitless possibilities if we would use that one resource of the newcomer to Canada: the human resource, the technical skills, the professional skills of these people. To tell you the truth, if you want to open up the global market to Ontario, you need to use the cultural background of these people, the language background of these people, to access the international market and give us that edge when we're competing with other countries in this global economy.

I think we should congratulate the Minister of Citizenship and Immigration for bringing forward this bill, for his vision, for listening to the people in Ontario, for listening to the newcomers of Ontario and taking action.

This bill will break down the barriers that newcomers have faced for many, many years in the past. This government is doing what's right for the people of Ontario. It's taking action. It's the smart thing to do, it's the right thing to do, because newcomers will help Ontario succeed. They will give us that advantage in the global market, and Ontario will prosper.

**The Acting Speaker:** I'll return now to the member for Toronto–Danforth, who has two minutes to reply.

**Mr. Tabuns:** Thanks to the members from London–Fanshawe, Durham, Nickel Belt and Scarborough–Rouge River, who responded to my commentary.

We have to see this bill not simply as helping newcomers to this country, although a bill with teeth, a bill with muscle, a bill backed up by the financial resources of this province could actually do that. We have to see it, as well, as a tremendous aid to the future of this province itself. To the extent that we in this province have to be on the global stage, to the extent that we in this province have to be able to speak hundreds of languages, to negotiate and navigate through a wide variety of societies, to the extent that we take advantage of these internationally educated professionals who come to our shores, who bring their language, their knowledge of custom and culture, their knowledge of the issues at hand, we benefit profoundly. To the extent that we lock them out, we ourselves are impoverished. This is a crucial issue not just for them but for all of us in this province.

I say to the government, in the Thomson report there was a clear recommendation for an appeals process for every regulated profession outside of their internal reviews. That's not in the legislation. There's no reason it should not be there. It should be there. Thomson talked about the need to provide support to those who were appealing. I think we should go a bit further than he recommended, but at the very least the government should have included in their bill the full recommend-

ation from Thomson: support for those who are appealing when their registration has been denied.

This bill is only an opener. It must be much bigger, much broader, much stronger.

**The Acting Speaker:** Further debate?

**Mr. Shafiq Qadri (Etobicoke North):** Mr. Speaker, it's my privilege and honour to rise to address this particular bill, Bill 124, the Fair Access to Regulated Professions Act. I might, with your permission, just address some of the commentary that has been made.

My honourable colleague opposite has repeatedly requested the actual professions that are going to be governed and addressed with this particular regulation, and I think those of us on the governing side are somewhat puzzled, because from our particular discussions, those have actually been set. For example, the 13 non-health professions include architecture, chartered accounting, geoscience, law, very particularly, and teaching as well. The regulated health professions include audiology, chiropractic, medicine—meaning physicians—midwifery, nursing, pharmacy and so on. So the actual list is defined and of course is meant to be, as well, further enshrined in regulation.

Our other honourable colleague from the NDP also referenced Judge Thomson. I have here a quotation from the Honourable Judge Thomson: "I am very pleased that the government is taking important steps both to remove hurdles facing many foreign trained professionals and to ensure that the procedures for admission to the professions are transparent and fair, while also respecting the independence of regulatory bodies. This legislation represents a thoughtful and balanced approach to resolving long-standing issues."

That, of course, is Judge George Thomson, the author of the Thomson report that is being referenced so frequently today.

The other thing I would like to say with respect to this House and with the respect that I can muster for the opposition side is that it was not that long ago that inside PC, Conservative, Tory election brochures, their references to new Canadians, to immigrants—and this is a matter of public record—were found in their references to criminals, were found under their references to law enforcement. I remember former members in this House—for example, the MPP from Brampton, Raminder Gill, was at a loss to actually explain that away. When we actually confronted him with that particular, let's say, mislocation of immigrant policy, he was at a loss to explain why it was that the Conservative references to new Canadians and immigration were actually found in the criminal section of their particular—in any case, Ontario has remedied that.

**Mr. Frank Klees (Oak Ridges):** That's shameful.

**Mr. Qadri:** I agree with my colleague who is heckling me now that that was shameful. That's precisely what I'm referring to.

**Mr. Klees:** You are shameful.

**Mr. Qadri:** It has also been referenced in this particular House that this bill has been a long time coming,



and I would agree with that, because as you can very well appreciate, embedded within the logic and the parameters and the initiatives and some of the terminology of this particular bill are the aspirations and ambitions and hopes and dreams of thousands and thousands of families.

I can tell you that, as a physician myself, I have met no end of individuals who have come from many, many parts of this world who have spoken about how they have come to this land with great ambition and great hopes, not only for themselves but also of course for their future generations, for their children, and how frustrated they have been, whether it is in engineering, law, medicine, nursing, pharmacy or any of the professions which you would care to name.

1630

That's why I would like to salute, honour and welcome the Honourable Mike Colle, Minister of Citizenship and Immigration, who is responding to the call from the Premier and to a groundswell of support within our caucus for this particular bill.

Yes, it is a first step; yes, it is a door opener; yes, it is an enabling, framework piece of legislation; yes, it is with the full knowledge and understanding that more work is to be done, but I can tell you that you do not have to leave the jurisdiction or the borders of Ontario or Canada very long or travel very far until you come across jurisdictions which are in no way, shape or form actually entertaining legislation of this kind.

With that, I would say this is extraordinary legislation—again, enabling steps—

*Interjections.*

**Mr. Qaadri:**—framework legislation. With due respect to the yak attack opposite, I support Bill 124.

**Mr. Klees:** I'm pleased to rise to join in the debate on Bill 124.

**The Acting Speaker:** Would the member from Oak Ridges take a seat for a minute? I'm sorry. I'm asked to request whether or not you are doing the leadoff speech for your party.

**Mr. Klees:** I am indeed doing the leadoff speech.

**The Acting Speaker:** I'm sorry to interrupt you. I recognize the member from Oak Ridges.

**Mr. Klees:** At the outset, I want to say that I and our caucus, without question, support the intent of this legislation. I don't believe that anyone in this province would deny that we should be doing whatever we can to remove barriers for newcomers to this province and to this country to become gainfully employed, certainly in their trained vocation, and that if there are barriers in place within the province, whether it be through the regulated professions or in any other way, it is incumbent upon us to ensure that those barriers are removed and that individuals who have chosen this great province as their home can become fully engaged and full participants in this province, its economy and, of course, our society.

Before I get to the specifics of this legislation, however, I want to address what I believe is an overarching problem that has contributed significantly to the circumstances that many newcomers find themselves in in

this province, and that is our immigration system, which I believe sets expectations for individuals considering Canada, and specifically Ontario, as their home. I'm not going to excuse the province of Ontario or any other provincial jurisdiction, because all levels of government have a responsibility in immigration policy, although of course the overriding responsibility is with the federal government. That problem—our immigration system is a points system whereby individuals, when they make application to immigrate to this country, are assessed a certain number of points for various qualifications they may have. At the top of that list, the greatest number of points ascribed is their professional designation or the education that they have, the professional degrees that they may have and the work experience that they may have in their country of origin. For someone who is a trained physician, a practising surgeon, someone who has a degree and has been practising pharmacy, someone who has been practising optometry, someone who has been practising a particular profession, if they see an immigration system that ascribes to them and gives them the highest number of qualification points to become an immigrant, if the country to which they want to immigrate gives them a certain number of points and credits for their profession, it's not unreasonable to expect that, when they come to this country, they would in fact, then, be able to practise.

It's not unreasonable that there should also be some qualification procedures to ensure that that practice is consistent with the standards of this country and of this province, but certainly not ascribe to a position where, having been a practising surgeon for many years, and particularly in a country where the standards of training are at par with this province, those individuals would then be relegated to a system where for years they are kept from their profession, kept from practising and have to make a living for themselves and their families, in many cases, driving taxi cabs or delivering pizzas or doing maintenance work. It's not that there is anything wrong with those functions and with that kind of labour, but when you have someone who has the qualifications, the education, the training, the experience, for those individuals then to be underemployed in our society is fundamentally wrong. There is something fundamentally wrong with our immigration system to allow that to perpetuate.

I have had this discussion with the Honourable Monte Solberg, the federal minister now responsible for immigration. We had a very good discussion about that, and I pointed out to him that we need a fundamental change in how we treat potential immigrants, how we inform them of what is a reasonable expectation. I believe that is only fair, that is only reasonable, to treat people with that kind of respect, that we don't set unnecessary or illogical, unreasonable expectations for people.

Having said that, I believe it's time that the province of Ontario take very seriously their role in immigration as, for example, the province of Quebec has done for



many years. As a provincial jurisdiction, I believe that we should be much more fully engaged in determining the number of immigrants to this province, in creating opportunities, ensuring that qualifications coincide with employment opportunities that are here, helping individuals find the kind of work that they are trained for and helping direct individuals to communities where the qualifications they bring to this province are needed. That is fundamental. I would encourage us, as a Legislature, to work towards that end.

**1640**

I'd like to turn to the substance of Bill 124 and read into the record the purpose of the bill: "The purpose of this act is to help ensure that regulated professions and individuals applying for registration by regulated professions are governed by registration practices that are transparent, objective, impartial and fair." Surely, no one can take issue with the intent.

As is quite often the case with legislation that is brought forward by this government, however, the actual legislation that's tabled and the implementation is very different than the stated intent. I searched throughout this legislation to find where the impartiality comes in, where the fairness comes in and where the objectiveness comes in. I must admit that I believe there's quite a gap between the stated intent and what this legislation ultimately will do for us.

The proposed legislation is, in fact, the government's response to Justice George Thomson's review of the appeal process from registration decisions in Ontario's regulated professions. That, as we know, was released in October of 2005. That report reviewed the internal and external appeals processes for registration decisions of some 36 professional regulatory bodies in Ontario and presented proposals for a standard, independent appeals mechanism.

Bill 124, however, goes beyond what Mr. Justice Thomson proposed in his report. I want to speak specifically with respect to the creation of yet another level of bureaucracy in the form of a fairness commissioner who, according to the government, would act as a so-called fairness watchdog over the professional regulatory bodies of this province.

Say at the outset that I and my colleagues in the Ontario PC caucus recognize that foreign-trained professionals and skilled workers must have unnecessary regulatory barriers removed from their pathway to ensure their full professional integration into the Ontario economy. Coming from the riding of Oak Ridges, which includes all of Richmond Hill, the northern part of Markham and all of Whitchurch-Stouffville, I have what is probably one of the most highly ethnically diverse ridings in the province of Ontario. There isn't a week that goes by that I don't have constituents sitting across from me who tell me their varied stories of how they were trained, in the United Kingdom, in India, in Pakistan, in the Ukraine, in some foreign country which, in many, many cases, has some of the best training facilities, universities and medical schools anywhere in the world.

These are individuals who have come to this country and to Ontario with the full expectation, for reasons I stated before, that when they come here, not only would they be welcomed as residents, but they would be welcomed as professionals as well. There isn't a week that goes by that I don't sit with individuals with that kind of training who tell me stories of their inability to enter their chosen profession. They tell me about the hurdles. They accept the fact that there must be a qualification process, that there must be a recognition and a respect for the standards that are put in place by Ontario's regulatory bodies, by the various colleges. But what they didn't expect, once they entered into that qualification process, is that there would be so many hurdles put in place that make it virtually impossible for someone to go down that path.

Often it starts with simply the cost of entering into that qualification process, and then the number of examinations that are put in place, each one of them with a significant cost and timeline attached. So the circumstances that these individuals in our communities face is that while they're holding down a full-time job—and in many cases, two and three jobs—to make ends meet, at the same time, in order to be able to transition into their chosen profession and hopefully become productive there, they have to do the study, they have to pay the fees for these additional examinations, and they're willing to do that. But then one of the other hurdles that is constantly brought to my attention is the number of times when, notwithstanding receiving a passing grade on the examination, they are still kept from entering into the profession. Notwithstanding how well they may have performed on a written test, there is often another hurdle that keeps them from getting the call, and here's the real frustration: without explanation. I'm constantly told, "If I was only told what it was about my interview, what it is that I may not be doing well, so that I could work on that. I'm willing to commit myself to study and do whatever needs to be done to get some remedial support and training." But often all they get is a simple letter that says, "Sorry, you're not qualified," or "You don't qualify. Try again."

Because of that experience with very practical circumstances in people's lives, I say to the government that I welcome the initiative and the intent of this legislation. But what I want to do is point out to the government where I believe there are shortfalls and where in the implementation of this legislation we have to go beyond what we see here.

The first question I have for the government is why it's taken them three years to bring this legislation forward. I want to quote from page 13 of the Liberal campaign platform from three years ago: "We will lower barriers that prevent foreign-trained professionals and skilled workers from reaching their potential. We will work"—

*Applause.*

**Mr. Klees:** —"with professional and trade associations to accelerate the entry of skilled new Ontarians



into the workforce. Our goal is to eliminate major barriers within one year.”

It's interesting; the Liberal backbenchers applauded when I read from the beginning of this quote, and when I finished the quote by saying “within one year,” which was their campaign promise, they all hung their heads in shame, and rightfully so. They hung their heads in shame because one more time, it's another broken promise by this band of Liberals who will say anything at all to get elected, but when it comes to actually implementing a promise, they are found wanting. Three years later—three years of being the government, three years of having a Minister of Health, a Minister of Economic Development, and a Premier who made the promise—nothing has been done by this government.

I want to draw attention to that fact, because I believe it simply underscores the cynicism of this Liberal government. Now that we're again into an election year, oh, why not bring out the rhetoric again? Let's have the photo op, let's have the announcements, let's tell new Canadians, newcomers to this country, what we as the Liberal Party are going to do for them.

1650

And then in shame the member from Etobicoke North, who had the gall to stand in his place earlier today and make disparaging comments about the Progressive Conservative caucus and their views towards newcomers and immigrants—

**Ms. Lisa MacLeod (Nepean–Carleton):** It's shameful.

**Mr. Klees:** It's a shameful, shameful act on the part of a desperate politician, and that is the very thing that, I believe, in the final analysis will result in this government's being a one-term government. The people of Ontario understand when they hear that kind of rhetoric, when they hear that kind of shameful mudslinging, because it's a desperate attempt on their part to shift the focus from what they are not doing as a government—from their broken promises, from their lack of integrity—and disparage and call into question motive on the part of honourable members in this place.

First of all it is unparliamentary, and the member from Etobicoke North should stand in his place and apologize, not only to the PC caucus but to every member of this House and to every Ontarian. I ask him to go back and review the Hansard record of his statement. I ask him, if in full honesty he has not impugned motive to members of this caucus. If he cannot at least do the honourable thing and apologize for his remarks, because he knows they're not true, then I would ask you as Speaker to bring him to order for doing so.

It's no secret that in Ontario we will not be able to meet the future demands of our labour market within our own borders. The Conference Board of Canada has warned us that our national economy loses up to \$5 billion yearly, and that is due to the fact that the skills and credentials of internationally trained professional new Canadians are not recognized. We would not have to be facing that kind of labour shortage, we would not have to

be facing the kind of shortage of doctors and nurses and other trained professionals in this province, if it were not for many of the barriers we have in place today.

Far too many skilled newcomers here are frustrated with the complexities of the current system for licensing and admission to our regulated professions. These facts were reiterated by the Minister of Citizenship and Immigration on June 8 of this year, when this legislation was tabled. But where was the minister's government for the past three years, as I said earlier, when all of us knew how critically important that issue was? By the minister's own admission, those barriers have had a significant negative impact on this province.

**Mr. Ramal:** Where were you?

**Mr. Klees:** The member opposite carps; another Liberal backbencher, carping, “Where were you?” Let me remind the member where we were. I'm going to read you something. I don't know the name of your riding. I think it's London–Fanshawe. Is that correct?

I am going to take this opportunity and read to the member for London–Fanshawe from a policy declaration, a news release, that goes something like this: “There are too many qualified, foreign-trained doctors already living in Ontario who have been forced to sit on the sidelines of our health care system. By removing barriers and providing more training opportunities, we will more than double the number of foreign-trained doctors practising in Ontario and significantly improve access to front-line health care.”

It goes on to say that “increasing the number of medical ... students by 30%, from 532 to 692” will be one major step. And, by the way, that was done.

“Developing a two-site northern medical school with full campuses in Sudbury and Thunder Bay”—that was done.

“Implementing two new rural and regional training networks in southwestern Ontario (with a focus on the Windsor area) and central south Ontario (with a focus on Niagara region and Simcoe county)” —that was done.

“Accelerating the addition of more than 50 rural, regional and northern postgraduate training positions in enhanced family medicine and core specialties”—that was done.

“Supporting the Professional Association of Interns and Residents ... to implement the resident placement program to match new physician graduates to underserved communities”—that was done.

“Offering a free tuition program to encourage new physicians to practise in undersupplied communities in return for up to \$40,000 in tuition and a location incentive grant”—that was done.

I would remind the member opposite that that was a release and a policy implementation announcement dated November 21, 2002. That was the previous Progressive Conservative government that took those initiatives. It took this government three years after coming to office before they were even prepared to introduce legislation, let alone begin to implement it. I'm suggesting that this government has no sense of how to implement policy.



They have no sense of how to manage this province. They know only about photo ops and announcements. That's why we continue to have the circumstances that we have in the province today.

It doesn't matter whether it is this circumstance relating to foreign-trained professionals or whether it's education or the economy, this government simply is not up to the job. They simply don't know what happens after you make the announcement. They don't know what it means to administer government, what it means to actually implement public policy.

I should focus on the bill. As I've said before, the major weakness of this bill is that it's largely rhetoric, which is so typical of our good friends. If passed in its present form unamended, this bill will simply provide the province of Ontario regulated professions, foreign-trained professions, internationally trained professionals with more rhetoric, more reviews and more studies. If anyone who looks at the bill wants to take the trouble of counting up the number of times that this legislation refers to reviews and studies and monitoring and assessing, it will boggle your mind, member from London—Fanshawe. I urge you to read the bill, not just the speaking notes that your minister gives you to review here. Read the bill.

Ontario's economy doesn't need more studies and reviews. What our economy needs is foreign-trained doctors, pharmacists, dentists, lawyers and many others doing what they know how to do best, and that's to be doctors, lawyers and nurses. Allow them to get to work. That is what we need; not more reviews, not more studies, not more bureaucracy. That's what the Liberals know how to do well: study it, study it more and then overlay it with bureaucracy and say, "We've done our job." Then, by the way, to pay for the bureaucracy, "We're going to tax you real good." Shame on you.

1700

The member from Brant knows better. I feel sorry for that member because I know, in his heart, every day when this man comes to work here, he would rather not have to defend broken promises and inaction; he would much rather be able to go back to his constituents and tell them what they've done for a change, but he hasn't had that opportunity since the day he got elected.

Our health care system does not need foreign-trained doctors driving taxicabs. It doesn't need foreign-trained nurses not being able to break into nursing when there is a shortage of nurses in this province. How can anybody understand the logic of that?

Some have said that Bill 124 at least recognizes that there's a problem and that the solution that it proposes to solve it unfortunately is worse than the problem itself. I don't want to be quite that critical, but I'm going to go partially there because I do believe that this bill actually does threaten many of our regulatory colleges rather than encourage them to become part of the solution.

The fairness commissioner, as proposed in this legislation, would have the power to override the authority of the regulatory bodies of our professions, among other things. Such power would corrode further the autonomy

of the professions and their regulatory bodies in the very first instance. In pursuing the goal of expediting the integration of foreign-trained professionals into the Ontario economy, the government must first have the responsibility of ensuring the objectivity, the independence and the autonomy of those regulatory bodies. They have both the right and the responsibility to govern and regulate themselves on behalf of the professions they serve and the wider public that relies on their service. The government needs to open the lines of communication with the professional bodies, to work with them rather than over and above them. That's my fundamental concern with the way this legislation is structured and the message that's being sent to the various colleges. Rather than respect the democratic process and the democratic system that underlies our regulatory bodies and our professional colleges, this government is now sending a signal that, "If you don't do what we tell you to do, notwithstanding what your profession may deem to be appropriate in terms of standards, we will overrule you." But this government prefers to make an act of faith in bureaucracy and state regulation rather than collaborative co-operation and self-regulation.

The former road is one that is well-travelled by the McGuinty Liberals. They've demonstrated it in many other areas where we've seen them introduce legislation. But it's also well-travelled by the previous Peterson government. It's a shame that the current Liberal government refuses to learn from the mistakes of its predecessor and realize that if one wants to make something move faster and more expeditiously, if one would remove barriers that people face, then the last thing that should be thrown in their faces and in their paths is more bureaucracy and more regulation. So on the one hand, this government is saying, "We want to remove barriers," but on the other, they're saying, "We're going to load you up with more bureaucracy. We're going to put in place yet another level of bureaucrats," and all of us in this place know that by adding additional layers of bureaucracy, the last thing you will do is expedite results.

As Dr. Rocco Gerace, the registrar of the College of Physicians and Surgeons of Ontario, said, "Bill 124 does nothing to address the root cause of the physician shortage in this province and simply adds a new layer of bureaucracy that may in fact cause delays to college processes. The proposed legislation introduces new reporting requirements, costly audit processes and reduces the flexibility of the current registration process to consider the competence of individual applicants rather than whether ... they have specific credentials." That's a quote from June 8 from the CPSO.

How different an approach to increasing access to foreign-trained physicians in Ontario was the former PC government's initiative in 2002. I read you some specific commitments that that PC government made that were practical in terms of its intent to remove barriers, to actually put more people into residency positions, to create opportunities for foreign-trained professionals. That government doubled the training spaces available to foreign-



trained doctors and introduced a new program that would quickly assess foreign credentials.

What I would now ask as an undertaking from this government is to table with us in the House the following information: How many foreign-trained applications are there now in the system? I would like to know that. That information is available. I would ask the minister to tell us how many applicants are in the system today. How many applicants are being processed? I'd also like to know, of all of the thousands of applications that are there, why are they not being processed? Why are people continuing to be frustrated by the existing bureaucracy that can't cope with that application process? And then I ask very specifically, if your current bureaucracy can't process the information, why are you overloading it with yet even more?

Creating a centralized resource office and assessment centre for all foreign-trained doctors and establishing a fast-track process to assess and license physicians currently practising outside the province so they can practise immediately in underserved areas in Ontario is what the government should be doing. They can do that. We have the resources available to do that but, rather than that, we have yet more legislation. The McGuinty government has sat on its hands for the last three years and now, in true Liberal fashion, 363 or 362 days away from the next election, we have yet another announcement.

Liberal feet-dragging on this issue has adversely affected the lives of literally thousands and thousands of residents in this province. I bring to the attention of the House one of my constituents who has been trying for more than six years to get accredited as a doctor in Ontario—six years. He completed medical school with honours in the Ukraine in 1977. He then went on to do graduate studies as a family physician and later took a postgraduate residency in obstetrics and gynecology, in which he completed his clinical Ph.D. He has passed all of his examinations, except for his last oral test, where he received a mark of 69.5% when the passing grade was 70%.

I bring this situation to the attention of the House, as did I to the Minister of Health in a letter, because I find this circumstance to perhaps be indicative that it's more of an attitude and a cultural shift that we need in dealing with this issue than simply putting forward technical legislation. Those examinations that this doctor passed, he passed them with flying colours in every case. These were clinical examinations.

1710

The oral examination that he took had nothing to do, in the course of conversation, with any clinical issues relating to the practice of medicine. It was simply a function of testing communication skills and being able to determine whether this individual had the ability to effectively communicate as a medical doctor—bedside manner, whatever else is involved in that battery of tests.

I have spent considerable time with this individual in my office. I can tell you that this individual has a command of the English language that is second to none of

any member in this House. There was not a problem that I could possibly detect as to why this individual would be given a 69.5%, when the examiners knew that the passing grade for this was 70%. Somehow there was a 0.5% that was shaved from this assessment, and it is that 0.5% that is keeping this individual from practising medicine in this province. I find that absolutely unconscionable.

Is that something that a fairness commissioner would be able to deal with? No, it isn't, according to my reading of this legislation. Quite frankly, that's something that you don't need legislation to deal with. That is something that could be dealt with today, without this Liberal government's legislation at all. It's simply a matter of ensuring that the right thing is done. It's a matter of opening lines of communication with the colleges and being willing to open up and disclose information about the process itself.

I fail to see how an almost perfect score on all of this individual's examinations and various tests disqualify this doctor from treating the many Ontario patients who need a doctor but can't get one. Something is fundamentally wrong with the process, but surely a new law is not necessary to address this.

This Liberal government's attitude and response to everything is more legislation, more bureaucracy. In the final analysis, we have now seen three years of repeated announcements and photo ops and new legislation, new regulation, but on the issues that really count to people in terms of our quality of life in this province, not very much has changed. In fact, we are stepping backwards.

We have waiting lists now that are growing longer by the day for services in our public hospitals. Emergency wards are threatening to close. This government justifies its inaction by pointing very slyly to a selected number of medical procedures that this Minister of Health and this Premier have chosen to highlight. Through their photo ops and their smoke-and-mirrors presentations and the notes that their backbenchers are given by the minister to read into the record, they lay claim to shorter wait times for half a dozen procedures. What they're not telling the people of Ontario but what the people of Ontario are experiencing is, in fact, that the wait times for other medical procedures are getting longer by the day and health care is not improving. In fact, for many people in this province it's nonexistent, because they still can't get a family doctor, they still can't get treated in a medical emergency room unless they wait 16 and 18 hours for treatment—absolutely unconscionable.

Members opposite, members of this government, have the gall to continue to recount the rhetoric, the lines that their ministers give them as they cross this province. It's catching up with them, though.

I want to talk about another specific case. Again, I speak from personal experience about my own constituents. This is relating to pharmaceuticals. My constituent—and, by the way, any member of this House: I'm happy to share the name with you and the specific file so that you might want to personally respond and provide an answer as to why you're prepared to justify the current



circumstances. This individual was denied licensing as a pharmacist due to his difficulties with only one specific case, a very practical area of the examination. This individual has been asking simply for one thing, and that is, "Having completed the examination, please give me some feedback on where my answers were wrong. I would like to have an opportunity to address that area, to review it, to study. I'm happy to take the examination again. But give me feedback, give me a response, give me information." It's not forthcoming.

Another area of concern that I want to express and share with the House relating to this issue is the issue of transparency in the selection of foreign-trained doctors. Although foreign-trained candidates can score beneath the standardized scores on various quantitative objective clinical tests, they can be and are accepted on the basis of their overall score. What I'm concerned about is that there is nothing in this legislation that is going to improve that transparency when, in fact, there is one specific area of the testing that may hold them back. That transparency is critical if we're going to open the door for individuals who are caught by this government's inaction.

Most international medical graduates want to practise medicine, the profession that they were trained in. When I look at this legislation, I have to ask the question of this government: What is it that you're going to achieve by passing this legislation if you don't have the co-operation of the regulatory bodies and of the colleges?

**Mr. Ramal:** We do.

**Mr. Klees:** I hear the member from London-Fanshawe say, "But we do." Well, then you're not listening to them. They are saying that there are a number of concerns that they have, that they're asking us to propose amendments to this legislation that will ensure that their professional role is respected by this government. I wonder how many members opposite have actually read this legislation as opposed to the speaking notes that they were given. By the way, often there is quite a difference between what your speaking notes will tell you is in the legislation and what it actually is all about.

**Mr. Richard Patten (Ottawa Centre):** You're kidding. Come on.

**Mr. Klees:** The member opposite and other good—you're from Ottawa.

**Mr. Patten:** Ottawa Centre.

**Mr. Klees:** Ottawa Centre. The member from Ottawa Centre finds this so shocking and yet, as a member of the Liberal government, he should know more than anyone else. I can tell by his acknowledgment that he knows precisely of what I speak. My challenge is to members of this Liberal caucus: Please, in the interests of your constituents, don't simply rubber-stamp this legislation. We are calling on the government to move this legislation into public hearings, and what we want to take place in the public hearings is for individuals to come forward to tell their own stories. We look forward to the colleges to come forward and propose their amendments. What will be interesting is how many of those amendments this

government will accept, how many of the amendments the official opposition or the third party proposes they will actually accept.

**1720**

If we look at the record of this government for the last three years and count the number of amendments that were presented by opposition parties that were accepted by the government and actually incorporated into legislation, do you have any idea how many there might have been? We should actually conduct a lottery. I would venture to say that if there was a handful out of literally thousands, that would be a lot. And that goes to the heart of how this government conducts its business. They have a majority. They ignore the opposition. They ignore the public. They know it all. And regardless of their announcement about their intention to reform the democratic process, what we've seen is nothing from this government by way of co-operating with the opposition, accepting well-intentioned amendments that would in fact improve legislation. They have developed an arrogance. They have developed an attitude that McGuinty knows best. I'm surprised, actually, that the Liberal backbenchers didn't stand and applaud that, because they're trained to do that.

We believe that there is an opportunity to improve conditions in this province for foreign-trained professionals and we will support that. As I said at the outset, we as a caucus support the intention of this bill. We have serious concerns about specifics relating to this bill. We have specific concerns about what we believe is an affront to the role of colleges, to the role of regulatory bodies in this province, and we as the official opposition want to work together with the colleges to improve this bill, to ensure that at the end of the day what we don't do is to in any way lower the standards for any of our professions, but rather that we bring those individuals who are foreign-trained up to the standards, but that we do so in the most efficient way possible.

I'll recount, as I said at the outset of my remarks, that what we have to do is address our immigration system and how people qualify to become landed immigrants in this province. A proposal that I would ask the government to consider to incorporate into what they have already stated they would do is to create an Internet portal that would be available to individuals who are considering immigration to this country, and not only does that portal give individuals information about the standards that are required here and give information about programs that will be available to them here, but my advice and my strong suggestion is that, given the power we have to communicate through the Internet, many of those qualification tests and reviews and training programs can already take place in the country of origin. Once someone has made a decision to come to this country, and they are a professional engineer or a lawyer or an accountant, there is no reason why many of those qualification tests and procedures can't take place in their country of origin so that when they get here, they can hit the ground running. There's no reason why someone has



to immigrate to this country, take a part-time or a full-time job, and then go through those training programs in the evening and on weekends and create the kind of stress that that will automatically impose on families. We can work on that.

**Mr. Ramal:** Talk to Ottawa.

**Mr. Klees:** The member from London–Fanshawe says, “Talk to Ottawa.” No. This is a provincial responsibility in terms of the training. If it’s not, member from London–Fanshawe, then why are you bringing this forward? It shows that you haven’t read it, and it shows that you don’t understand the responsibilities that provincial regulatory colleges have. We, as a province, have responsibilities to set standards and qualifications, and I’m simply making a very positive recommendation here that I trust the government would consider. It’s easily done. It’s a practical measure. It’s more than just reviewing something; it’s more than just studying something. Let’s work together and create some practical solutions that I believe will not only benefit the immigrants themselves but will benefit our economy and will benefit our communities if we take that kind of step.

I submit that when we come to the public hearings, we will have an opportunity to become very specific in terms of some of those amendments that we’ll be putting forward. We look forward to the various regulatory bodies coming forward with their recommendation. We look forward to hearing the specific stories and frustrations of individuals as they’re being experienced in the system today. We are hopeful that the minister, the government, will see the wisdom of incorporating many of those changes to this legislation.

I thank you, Speaker, for the opportunity to share my thoughts with you. I look forward to members of the government going beyond their speaking notes. I urge you: Read the legislation, become familiar with it, and I’m sure you’ll agree that much more work needs to be done before this becomes legislation in this province.

**The Acting Speaker:** Questions and comments?

**Mr. Tabuns:** I appreciate the time that the member from Oak Ridges has taken to set out his analysis of the bill. I don’t agree with all of his analysis, but I appreciate the time he took to bring forward issues here.

I have to say he’s quite correct in saying that the government had promised that in its first year it would deal with these issues; it would bring forward the barrier buster so that people would actually be able to get on with their lives, to get on with the use of their skills.

I want to say that we aren’t dealing with a large number of professionals who come to this country whose standards and capacity are lower than those that exist here. I don’t think that’s the case at all. In fact, we have people coming from other jurisdictions whose skills are in some instances higher than required in this jurisdiction. We have a problem of making sure that people get to use those skills: get to use the skills quickly, get to use the skills that will build this economy, this society, and will give those people the kinds of lives that they need and that they deserve.

The bill that’s before us still in its text does not incorporate the recommendation of an independent appeals tribunal for those professions that do not already have such a tribunal and does not incorporate a support system for those individuals who should appeal.

In the postwar period, immigrants built our economy in construction. The skilled tradespeople did amazing things to make Ontario the place that it is today. We have a 21st-century economy to build. A new wave of immigrants are here, and they’re not being allowed the opportunity that the wave 50 years ago was given. Their skills are being set aside.

I say to the government, now is the time to be bold. Now is the time to fully implement what was recommended and to go beyond that, to throw the door open, to give people the opportunity to contribute the way they can contribute.

1730

**Mr. Ramal:** I was listening to the member from Oak Ridges giving examples. I don’t need examples, because I lived the situation. My wife is living it right now. Many of my friends are still suffering from the past government and what they did to newcomers, especially the foreign-trained professionals.

The Conservative government was elected in 1995. When did they come up with the solution he mentioned? In 2002 they gave a rubber cheque to many bridging and connecting programs across the province. We are the government that came with a solution for the issues. When our government was elected, we increased medical spots across the province by almost 100%; in London, Ontario, alone from the 28 to 52 spots. Many other jurisdictions across Ontario almost doubled. Our government addressed this issue and dealt with it right away, without playing games, because we know the importance of this issue for many newcomers to Ontario who want to be good Canadians by working and giving their skills, their abilities, their talents to help and support this province.

The member from Oak Ridges mentioned many different spots many different times and he contradicted himself, what he had said in the past and what is going on at the present time. That’s why we introduced this bill, because this bill is important to open up for many people who want to be good Canadians, to open up for many professionals who cannot use their skills, talents and education because many barriers have been put before them and do not allow them to use their education and their skills in this province.

This bill is a good step, a very good mechanism, to allowing many foreign-trained professionals to use their skills and their education in this province.

**Mr. O’Toole:** I’d certainly like first to thank the member from Oak Ridges, our critic on this file, for bringing forward what I think is the importance of the specific cases he cited, in the original case, and to look at the suggestion he made here in the context: that in the application process for people coming to Ontario and indeed Canada, to have the Internet portal to find a mech-



anism for new Canadians or persons wishing to look at Canada so that they can look at this prequalification, which in the visa application process is sometimes somewhat misleading. They tend to put a higher weight on skilled professionals in other countries, but when they get here, there are some barriers that could be removed. I think, ultimately, that's the intention of this bill.

Our critic said clearly that we're in support of this bill. It is the right thing to do. We do need to have hearings to get it right.

I was going to have a couple of things. This is what I call the McGuinty solution to everything. I don't want to be too harsh here because, again, we're somewhat in harmony here. There are actually eight parts to the bill, for those viewing today. There are 12 pages, in each official language, so it's not a large, complex bill, but there are eight sections to the bill and I just want to mention two of those: IV and V.

Part IV: "The Lieutenant Governor in Council may appoint an individual to act as the fair registration practices commissioner"—a fairness commissioner. That's a political appointment, and we all have to acknowledge that. Perhaps the Ombudsman or someone could take on that responsibility.

In part V it says they will establish an office to be known as the "Access Centre for Internationally Trained Individuals"—another bureaucracy. So every solution they have is a bigger bureaucracy, more obstacles for people coming to this great province to establish their professional credentials. I think we could be achieving more by—

**The Acting Speaker:** Thank you very much.

Questions and comments, the member for Nickel Belt.

**Ms. Martel:** With respect to comments made by the member from Oak Ridges, I agree that this bill should be in committee. I'd like to hear what the regulatory colleges have to say. Frankly, I'd like to make suggestions to some of them as well.

I want to just put on the record today some suggestions I've made to the College of Physicians and Surgeons of Ontario and to this government, with respect to international medical graduates, on a much faster assessment process that is in place in Manitoba now that we should look at in Ontario if we are really serious about having international medical graduates make a contribution in Ontario, especially given the shortage of physicians.

Just on September 15, 2006, the health minister in Manitoba announced changes to a process they had in place which was called the clinicians assessment and professional enhancement, or CAPE, program, a three-day assessment process including a structured oral interview, a therapeutics assessment and a clinical and communication skills evaluation of their international medical graduates. After a three-day assessment, the international medical graduates who succeeded in getting through the three days were given a restricted or provisional licence to work with other physicians and be mentored by them, to gain the competencies and Canadian experience they

needed in order to get a full licence and be fully qualified to practise in the province of Manitoba. That process was put together by the Manitoba government—an NDP government—the College of Physicians and Surgeons of Manitoba, and the Manitoba medical school.

The new process that was just announced will now involve a pre-employment interview to help identify previous clinical experience to match the candidate to a successful practice in rural and northern Manitoba, an orientation to the Manitoba health care system, a three-day classroom assessment process, and a 12-week clinical placement in a rural setting.

This is an idea I have raised with the college here. This is an idea I have raised with the government here. Why can't we take a look at this to get international medical graduates into the field?

**The Acting Speaker:** That concludes the time for questions and comments. I'll return to the member for Oak Ridges. You have two minutes to reply.

**Mr. Klees:** I want to thank the members for Toronto—Danforth, London—Fanshawe, Durham and Nickel Belt for their comments. It's nice to know they were listening to my comments.

I want to make it very clear that I and our caucus fully support the intent of this legislation. We want to see this government go far beyond simply creating another bureaucratic structure. We want to see them go beyond simply another photo op and rhetoric. We want to see them put in place very practical solutions that, frankly, would include the kind of recommendations the member for Nickel Belt has made. That solution can be put in place without this legislation. We don't need it. We don't need more rhetoric.

I believe the recommendation that I put forward to drive the actual qualification process into the country of origin of immigrants has very practical implications as well, and can significantly lighten the load for immigrants when they're here and reduce the frustration.

In closing, in my riding of Oak Ridges and throughout York region, there are far too many individuals who cannot find a family doctor. This government is failing those people. While we're spending a great deal of time debating this legislation, it will do nothing and has done nothing to add one more doctor to the supply of doctors in York region.

I ask this government to get practical and to move forward with practical solutions.

**The Acting Speaker:** Further debate?

**Ms. Martel:** I'm pleased to participate in the debate this afternoon, and I want to look at the bill from a perspective of some of those newcomers to the province whom I have met. They weren't newcomers anymore at the time that I met them, but certainly they came from somewhere else to make a contribution here. I want to take a look at what their experience has been and whether or not the bill in its current form is really going to do anything to help them and to help others like them be able to make a full contribution in the province of Ontario.



If that's what the bill is supposed to be about, then I can tell you, the current bill needs a whole lot of work, a whole lot of amendments and a whole lot of change if we're really going to guarantee that people who come and who have professional skills can actually use their professional skills and make a contribution on a personal level and to the economy of the province of Ontario.

A very long time ago, when I was first elected—and that was a long time ago—I lived on the top floor of 666 Spadina Avenue. It was over 19 years ago, so it was long ago. At the end of the hall there was a lovely woman who had been a gynecologist in India. She had been in Canada for some time—I met her when I was living up on that top floor—and she was unable to get her credentials assessed, she was unable to get a match through the CaRMS process so that she could have her qualifications assessed and any upgrading actually done. There was this lovely young woman who had been a gynecologist in India being forced to work in a lab in Ontario because she couldn't get her qualifications assessed and couldn't fully participate in the professional capacity that she wanted to.

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Some years after that, I met another lovely young woman, this one from Toronto, who was also a gynecologist from India. She had her family here in Toronto, and she too was desperately trying to get her skills assessed, trying—and being unsuccessful—to get a match through CaRMS so that she could get a position, because she expected she would have to do some upgrading to meet the Canadian experience. She tried for two or three years in a row and was unsuccessful through the match. She finally ended up going to Newfoundland, because Newfoundland had a program that would permit her to get a provisional licence to start out practising first as a family physician. Through that provisional licence and being able to prove her qualifications, she hoped that she would then go on to practise what she was really trained to do, which was to be a gynecologist. Sometime after she left to go to Newfoundland and start that, I heard back from her that she was established in the community, that they were becoming a part of the community—although they were unhappy to leave Toronto, where they had an extended community for support—and that she was going to be able to do, at some point in the not-too-distant future, what she had been trained to do, do what she did in India and do what she had been unable to do here in Ontario.

I want to reinforce again, from a two-minute comment that I made earlier, the experience I had at a forum at the St. Lawrence Centre. This was probably earlier in the spring. There are a number of lecture series that go on. I regret to say that I can't remember the organization that had put it on, but they are well known for putting on some very interesting, very heart-wrenching, so to speak, lectures on a number of issues that touch a lot of immigrants. This particular lecture series focused on the experience of professional women coming to Ontario and

what their experience had been in a wide variety of areas: first of all, their experience in actually gaining a position that was equivalent to the one they had left in their country of origin; what their experience had been in terms of their earning level, now that they were no longer a professional in their country of origin but were working in Ontario; what they had experienced with respect to their income level and earning capacity; their experience indeed of securing employment in the province; their experience in obtaining a bridging program so they might be able to actually get comparable Ontario/Canadian experience in the field they had left in their country of origin. I can tell you that the sad, sad reality of what I heard that evening was the experience that was common to all of these women, who represented various levels of professions etc. The experience of all of them had been so negative in Ontario, so disheartening, so overwhelming, so unhappy, that many of them said publicly that they wondered why they had come to Ontario in the first place.

I find that really difficult to accept. Imagine women—some of them had families and some didn't; some came on their own—making a decision to leave their country of origin, their homeland, where they were well established, to come to this province because they thought it was going to be better for them, they thought it was going to be better for their family, they believed they had a positive contribution to make and they wanted to make that contribution to the Ontario economy. They found that the move was nothing like they had ever imagined. It had not been a positive experience. They were in a position where they could not make a contribution to the Ontario economy with respect to their skills and their talents. They were left feeling alienated, unproductive and unwanted. In a room full of very talented professional women who had come from somewhere else to make a contribution to Ontario, it was sad, sad, sad, to hear that common story of being unable to get their credentials assessed, unable to get a bridging program so that they could have the required Ontario/Canadian work experience, learning that they were not working in their profession but working at jobs that were far below what they were qualified to do, making far less money than they had before and, all in all, having a very negative experience in this province when they had so much that they could have contributed if they would have been able to access the ways and means to make that contribution.

The problem is that the experience of the two women and the group of women I'm talking to you about is an experience that is not uncommon, not unlike the experience that so many newcomers have to this province and to this country.

I just want to read into the record some of the statistics involving newcomers: "In Canada it takes on average 10 years before a highly skilled immigrant reaches the same level of employment as a Canadian with approximately equivalent credentials"—10 full years. The source of that information is the Canada Alliance of Education and Training Organizations, *Foreign Credential Recognition: An Overview of Practice in Canada*, 2004. Ten years



before a highly skilled, trained immigrant gets the same employment opportunity as a Canadian who has equivalent credentials.

The second statistic: "The Conference Board of Canada, a private think tank, calculates the impact to the Canadian economy of failing to recognize immigrants' learning and learning credentials is in the range of \$3.4 billion to \$4.97 billion annually." The source of that statistic is *Toward Maximizing the Talents of Visible Minorities*, the Conference Board of Canada, 2004. That's \$3.4 billion to \$4.97 billion lost because we are refusing to recognize immigrants' learning skills, talents and credentials.

The third statistic, this one from Statistics Canada: "A recent Statistics Canada study found that one in six male immigrants leaves Canada for better opportunities elsewhere within the first year of arrival," and those who are most likely to leave are skilled workers. Imagine: After the first year of coming to Canada in the hopes of using your skill as a skilled tradesperson, you are forced to leave and go somewhere else and take that skill and talent and skilled trade with you. What a loss to our economy. What a waste to our economy.

Fourth statistic: "Researchers found one third of male immigrants aged 25 to 45 at the time they arrived in Canada left within 20 years. More than half of those who left did so within the first year." I've already mentioned that. "The study's subject group amounts to about 50,000 newcomers a year. Of those, 17,000 immigrant men in that age range will end up leaving Canada eventually."

I don't think that's any different than the scenario and the experience that I listened to that night when I was listening to this woman at the St. Lawrence Centre. It would be interesting if we had some statistics that talked about immigrant women's experience, because I bet, for professional women, we would have almost a mirror image, the same type of undervaluation of their skills and the same decision to leave within a year or certainly within 20 years to go somewhere else where their skills would be more valuable.

Far more significant are the statistics that have to do both with earnings and, when you don't have earnings, where you end up. Again back to Stats Canada: Their most recent report looked at earnings of immigrants. In 2001, recent arrivals had significantly lower earnings. Average earnings of recent immigrants in the 1980s were \$40,100 per year for a male aged 25 to 54. Average earnings of recent immigrants in 2000 were down to \$33,900. Over 20 years have passed, and average earnings of newcomers have dropped substantially. Clearly, their experience wasn't a whole lot better. I think what that also has to say is, we're certainly not doing the best we can to make sure that their level of skill is recognized and that they're able to practise or to be involved in the skilled trade they were trained to be in. That's having a huge impact on their earnings; it's having a huge impact on our economy.

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I think the most telling and most important statistic, though, comes from the Daily Bread Food Bank. In 2002,

they took a look backward at who has been using the food bank, and they pointed out the following: The percentage of immigrants with at least some college or university education who were using food banks in the spring of 1995 was 12%. By the spring of 2002, that was up to 59%. The number of people with a university education or a higher education who were using food banks in Ontario was up dramatically—up to 59%. That's probably the most telling and frankly the most damning indictment of how our system to welcome immigrants and to ensure that they can participate fully in our economy is not working. It is not working at all—not for people who come and who don't have very many skills and not for people who come and have tremendous skills. We are undervaluing their credentials and their work experience time and time again. They are losing at a personal level, and we as a larger society are losing because we're not incorporating those skills and those talents into our workplaces.

When I look at the bill, I say, "Okay, how is Bill 124 going to make it better for all of those people and all of those statistics that I just read into the record?" Unfortunately, I've got a lot of concerns about Bill 124. I certainly don't think that, as drafted, this bill is going to do very much, if anything, to improve the situation for those newcomers whose experience I've just related.

Let me look at some of the problems: no appeal process. There's nothing in the bill that gives a foreign-trained professional some type of avenue to appeal if they believe they are being stonewalled by a professional organization. We have certainly heard that again and again from a number of professionals who are very concerned about the professional bodies that regulate them. Under the bill, an applicant who is shortchanged, who feels that they have been either misjudged in terms of their credentials or not taken seriously or whatever, can only appeal for an internal review of that decision and of course that's conducted by the very same people who gave them a negative response in the first place. So it's hard to imagine what kind of independent new process, new look, new eye to the problem is going to come when you go back to the very same people who denied you access in the first place. That was probably why Judge Thomson, in his report for the government on this very issue, said the following, and I'm going to quote from his 2005 report:

"An independent appeals process from the registration decisions of Ontario regulatory bodies in the self-regulated professions ought to exist. The rationale is that well-developed, transparent, independent appeal mechanisms enhance public confidence in the overall registration process.

"The importance of independent appeals of registration decisions was confirmed by many participants in the consultation"—Speaker, you and I know we have heard from a number of those—"including those regulators whose decisions are currently subject to independent appeals. Independent appeals were supported for" a number of reasons. I won't list those, but that was a criti-



cal part of Judge Thomson's recommendations. It came after his hearing directly from the experiences of those who were trying to get their qualifications judged and their potential assessed. It came to him from the experience of those who found that when they went back to their regulatory bodies and their regulatory bodies said no, they had nowhere else to go. And you know what? They've got to have somewhere else to go. There has to be an independent mechanism for appeal in this bill. It's not in there, and it's got to be.

Let me deal with the second concern: no guarantees of support for newcomers. So the government, in the bill, will create an access centre. That access centre is only going to provide support "with respect to the requirements for registration and the procedures for applying." It is not the role of those who will staff the access centre to advocate on behalf of applicants. That's not going to be their job. That's not going to be their role. Their role is only to give the paperwork and tell people how to fill it out. Well, there's some value in having a specific centre to have the paperwork in one place. But do you know what? What a lot of these people really need is someone who's doing a bit more than handing out paper. They really need folks who are there to advocate on their behalf, who are interested in helping them navigate through the system, who are interested in listening to them, hearing what their concerns are and trying to point them in the right direction, not just trying to give them some mundane information about how to apply for registration and what the procedures are to do that. So it's very clear that somewhere in this bill there needs to be the creation of those levels of advocates who are there not only to help provide information but who are truly there to support people and work with them and help move them through the registration process so that they understand what they're doing, what is required and how they can get where they need to be. That's not anywhere in this bill, and it really does need to be included in this bill.

Thirdly, there's no guarantee that all the regulated professions will be covered. I heard some of the Liberal members talk in their two-minute responses about the different professions that we think are going to be covered. Well, if you think they're going to be covered, and if it's good enough to read them into the record here today, why isn't it good enough to put it in the legislation? I don't understand what the problem is with this. I don't understand why we have to do this with regulation. Look, if you know that you want to cover 36

professions right now, put them in the bill right now. Then you leave a provision in the regulation section that allows the minister or cabinet to add other professions when the need arises, when the time comes. If you're serious about which ones you want to cover, do it in the bill. It has the force of law. It has a much stronger impact. The way you get around adding professions later is to have a clause in the regulation that allows the minister and cabinet to do that at another point in time in the future when other professions need to be added. So cover all of them in the bill. Do it up front. Don't do it by regulation; don't do it by the back door. If you know who they're going to be in terms of professions to be covered, put it in the bill now.

**Costs:** The bill talks about costs. It allows for costs to be charged to foreign-trained applicants. Those costs are going to be set by regulation. The limits around the costs are going to be set by regulation. I'd be a whole lot happier if I knew what the parameters around those costs were going to be and if those parameters were actually included in the legislation itself. I don't want to see a whole bunch of people being able to make a huge profit off of applicants. I don't think the government wants to see that. If you don't want to do that, then put in the legislation now some of those parameters, some of those guidelines that will be used in establishing the fees that are going to be charged to foreign-trained applicants who are trying to register. I think that's a fair thing to do, I think it's an upfront thing to do, and that would give them some sense of what they're going to be in for when they start to make application for registration.

My colleague from Toronto—Danforth already read into the record eight other recommendations that we think would give some teeth to the bill, that would give some force to the bill, that would actually have the government do what it promises to do. I won't go over them again. They were very well articulated. But I say to the government: You want to have a bill that's going to ensure that we use all of the skills, potential and talents of newcomers to this country. The current bill, as it stands, does not do that. We need public hearings and we need some of the amendments that we have proposed in order to make it that much better and do what we all want to be done.

**The Acting Speaker:** It being 6 of the clock, this House stands adjourned until later on this evening at 6:45 p.m.

*The House adjourned at 1759.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
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		Markham	Vacant
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A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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Michael Prue, Monique M. Smith,  
Norman W. Sterling, Kathleen O.Wynne  
Clerk / Greffière: Anne Stokes



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**Tuesday 10 October 2006**

**Mardi 10 octobre 2006**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 10 October 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 10 octobre 2006

*The House met at 1845.*

## ORDERS OF THE DAY

### CLEAN WATER ACT, 2006

### LOI DE 2006 SUR L'EAU SAINE

Resuming the debate adjourned on October 3, 2006, on the motion for third reading of Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts / Projet de loi 43, Loi visant à protéger les sources existantes et futures d'eau potable et à apporter des modifications complémentaires et autres à d'autres lois.

**The Acting Speaker (Mr. Ted Arnott):** When we last debated Bill 43, the member for Bruce-Grey-Owen Sound had the floor. He's present in the chamber. I recognize the member for Bruce-Grey-Owen Sound.

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** Thank you, Mr. Speaker. It is my pleasure to be able to continue the debate on this bill. We left it a few days ago and ran out of time to finish my little time that I do have to debate it.

It is really painfully clear that this bill has been downloaded onto rural Ontario, and unfortunately, the rural members of the governing party, of the Liberals, have let us down. It's almost the same as the members from London having let the people down in London. They're allowing Toronto to dump all over them, and there doesn't seem to be anybody here to stick up for London anymore, the same as the rural members from the Liberal Party, as I've mentioned, seem to have forgotten that this bill is going to download onto the municipalities rather than upload. They keep talking about this upload, and I have no idea of what they're talking about there.

In this bill, it states that municipalities will now be able to find out where the polluters are. Well, I think there are significant things they can do now to find out, but the kicker in this is that they will now be able to enforce the rules against polluters. That leads me to believe that this bill is definitely going to be downloaded onto the rural municipalities in order to have clean water for everybody in Ontario. This is truly a bill that, as I say, is being downloaded onto the rural areas of Ontario, just so everybody can have clean water.

Now let's get the facts straight. There isn't anybody in Ontario who doesn't want to have clean water, who

doesn't deserve to have clean water, but when you set up a bill that has over 200 amendments to it, when it comes back from being out in consultation amongst the people in Ontario, when over 100 alone are by the governing party, it shows you—and they call them amendments, but we all know what they were: They were mistakes when the bill was drafted. To say that this bill shouldn't go back out—it is only 35 pages long, and to have 100 of their own mistakes in it right off the bat shows you that there is something terribly wrong.

I would support this government. They should take it back out. This is third reading, but I don't think there would be any problem if their House leader today would stand up and say, "Certainly, we'll take this back on the road, go back out and see what the people think of the 100 mistakes we made the first time."

Of course, there were more. There were another 100 amendments from the opposition. Again, as we've heard today, you can probably count on one hand the number of amendments this government has accepted from the opposition. That's terrible, when it comes to that.

All three parties tried to work with this bill, because all three parties in this House know that we need clean water, that we want clean water and we want to build it to reflect that. But we also don't want a bill that's going to put all the cost onto rural Ontario, because they just can't afford that.

Now, we've had different estimates. They say this could cost as much as \$15 billion. I will give the government a small amount of credit on this. They did listen, finally, and come out and say, "Look, we will add some money to it," but \$7 million is not going to go too far in addressing what this bill has in it.

I think one of the terms, "significant threat," has not been defined. What does "significant threat" mean, Mr. Minister? It could mean a lot of things. It's not defined in this bill, but they talk about that in this bill. Are we going to have significant threats? Will rural Ontario, again, have to address that? Are they going to have to put the money up to see that these significant threats don't happen? Well, that's what it looks like. They have mentioned that, "Hey, we've got \$7 million here. This will help out." As I say, that may help out Bruce county or Grey county, where I'm from, but after that, what happens to the rest of Ontario? Where is that money going to come from?

1850

This government, if they want—truly want—to be a government that listens to the people and wants to help



out the people, they will come up and they'll put right into the bill that 100% of any new regulations that are forced upon rural Ontario—or anywhere, for that fact; anywhere in Ontario—are picked up by the provincial government. That's the way it must be. This Clean Water Act is for everybody right across Ontario, and we need this government to finally realize that.

We went to the hearings, and so many different farm organizations came in and said, "We are struggling now just to keep ahead." Some of them can't even do that with normal practices. If this comes along, again, we don't know what the significant threat is, and we don't know the regulations. They're all going to be put in later, which is certainly the wrong way to do it. If we could even have the regulations now before we vote on this bill it would help. But we have no idea what the regulations are going to be. For instance, if they just—which isn't a bad idea, to fence rivers and creeks that could be used by cattle to drink out of. There are ways to get that water to them. Not a bad idea, but who's going to pay for that? You can't expect farmers across Ontario to fence all the rivers and creeks that are there. You just can't do that.

If this government will come out and say, "That's not there," then I guess that's not one of the—or they'll say, "Yes, but we're willing to pay for that," which they should be. If you're going to force a farmer to fence his river that goes right through the middle of his property, right through a square 100 or a string 100 acres, then we must, here at Queen's Park, the province, pay for that, because that water he's protecting is for downstream, the people downstream who may drink from that river, or that river goes into aquifers or whatever; towns, cities. Wherever that water is going to flow, to protect it, the province must put the money up to be able to do that. If they don't, then this bill, if it's passed, will not work anyway. People just won't be able to do that. What we'll end up doing is driving farmers to bankruptcy, people who live in rural Ontario, or even if they own a lot in rural Ontario and there are some old abandoned wells on that lot. Yes, not a bad idea to see that they're filled in, because they could go into an aquifer. They could pollute water. But should those people in rural Ontario have to pay for that? I don't think so, because they're protecting that water for everybody in Ontario. That's what they claim this bill is for: to protect water for everyone across Ontario. To do that, again, as I say, we've got to come up with 100% dollars in this building to be able to do that.

We must go back out, I think. I don't know what the hurry is. The Liberals and the government seem to want to get this bill through now. It has been on the road for some time. But there's nothing wrong with trying to get a bill right the first time; nothing wrong. This whole place seems to be like that. It doesn't matter who's in government; they want to get bills passed and out there and then they find out, "Oh, we should have done this and we should have done that." Why not try to get a bill of as great a magnitude as this bill is—clean water for everybody across Ontario—right the first time?

They had 100 mistakes themselves the first time. You'd think they would want to, as a government that made promises—again, we get into these promises that they were unable to keep. For some of them, they have reasons. I don't know what their reasons would be. We want to go out and see the people. We want to know what the people want. We want to do what the people of Ontario want us to do. What's wrong with keeping that promise? Here's one way to do that: Take the bill out for a couple more times, with the amendments in it—that's fair—and let the people whom this water is going to protect, let the farmers, let the municipalities come in and say, "Yes, hey, we agree with you." Maybe it would be some good PR for this government, rather than all the negatives we see all the time. It may be a change. They could do something new here and say, "Yeah, we really meant what we said when we said we wanted to listen to the people of Ontario. We really actually meant that. It wasn't one of our little promises we made that we can't keep." This is one you can keep and go back out and say, "Yes, we're sorry. Whoever drafted this bill for us, we wanted to get it drafted, wanted to get it out there"—and you know something? Maybe, some of those other 100 amendments the opposition had, you might even want to implement some of those. Just maybe.

But here's the problem we go back to: Bills like this are all controlled out of the Premier's office. The Premier says no, so what happens is our rural members all go and hide. "Oh, we don't want to go down to the Premier's office; we don't want to go down there and tell him what to do. We wouldn't do that. We'll just go and hide and we'll forget about protecting rural Ontario." I assume that's what happened in London when Toronto said, "Hey, we bought a dump. We're going to dump our garbage in London." There used to be four members here. We haven't heard anything. They all went and hid again. Where did they go, the members from London?" It must be—

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** The minister.

**Mr. Murdoch:** Well, the minister and some members. It must be horrible to be a citizen of the area of London and have no representation here whatsoever. We do have three ridings right now that aren't represented, but there are reasons for that. Those members changed and left. But here again, just like our rural members abandoned us on this bill—which they've done on many other bills in this House, unfortunately—rural Ontario, where they have a Liberal member, is not being represented here. They're being told how to vote.

That gets back to a promise made by the Premier of Ontario when he was running—again, one of these flippant promises that he makes: "Oh, I'm going to listen to everybody. I'm going to have more democracy in this House than any other person has ever had." Well, guess what? He gets here, he gets his office and all of a sudden he says, "Who are those other people out there?" I wonder if he remembers all the names of his members. You'd wonder if he really knew who they even were. If



they were going to his office and complaining about this bill, like they should be, I'm sure the Premier of the day would know who they were. But he's probably saying, "Don't worry about it. I'm the lord over the rings. I'm the lord in Ontario. I shall get what I want." Unfortunately this is what he's done on this bill.

If the rural members—and there are enough of them who got elected in rural Ontario—would get together, I think they would have a rural caucus. I understand there are about 18 of them. Eight showed up today for a meeting, so the other 10 maybe are hiding out there because maybe the Premier didn't know about the meeting they had. But why wouldn't they go? If 18 members over there went to the Premier's office and said, "We don't like this bill because our municipalities have told us, our farmers have told us, all those groups that came have told us, 'Hey, we all want clean water the same as you do, but you're not doing it right and we can't afford it.'" They're telling this government, "You're going to have to come up with a bill that says that you're going to protect us, but also you're going to pick the tabs up, because rural Ontario can't pay for this bill. There's just no way."

As I say, we've had different prices. There was the \$7-billion quote around, which the member from Perth-Middlesex—I think that's his riding, down near Stratford—got all excited about, but I think he's come onside. I know since the last time we spoke here, he was mouthing off, "\$7 billion," so I'm sure he's onside with that. We even heard it was up to \$15 billion from the people who cap wells. Maybe the \$7 billion is not even near what's going to be needed, but \$7 billion is not going to cut it, folks, and we know that. The people in rural Ontario know that. Even the people in the cities know that, and they're telling you, "You've got to come up with 100% of the new regulations being paid for."

We don't know what the regulations are going to be. That's the hard part about this whole thing. We don't know how much exactly this is going to cost, but if you look at all the different things that are going to have to be done to preserve our clean water, then it's going to cost. There's no doubt about it. I think the people of Ontario would embrace something like this if the government of the day would say, "We'll make sure the money is there to pay for it." But, unfortunately, we haven't got the clout from rural Ontario in the government of the day. The Liberal government of the day just abandoned us in rural Ontario.

How many billion dollars did they give Toronto? I'm not so sure how many billion it was, but it was in the billions, to help out with their infrastructure and different things, and that was okay. That wasn't even the blink of an eye. Here we are, saying, "We want to protect clean water with you. We want to help out." The opposition is saying, "We're all for that." But we're finding the government saying, "Yeah, and we're going to force you to do it, too. We're going to ram a bill down your throat. We're going to tell you that you have to do this and we're going to make you do this."

I think I'm out of time. Am I?

1900

**The Acting Speaker:** Take a seat. Thank you very much. Questions and comments?

**Mr. Gilles Bisson (Timmins-James Bay):** I listened intently to the comments made by my good friend from Owen-Grey, Mr. Murdoch.

**Mr. Yakabuski:** Grey-Bruce-Owen Sound.

**Mr. Bisson:** Grey-Bruce-Owen Sound. I can never get the riding names right. I get the names sometimes. I've been here for a few years; one of these days I'll figure it out.

**Mr. Yakabuski:** It's Bruce-Grey-Owen Sound.

**Mr. Bisson:** Bruce-Grey-Owen Sound. There we go.

I just want to say he's a member—I was going to say he's an interesting member. That is true. I was just going to say he brings a perspective that I think people need to hear, and that is the perspective of rural Ontario when it comes to this bill.

Nobody disagrees with the fundamentals of where you're trying to go with the bill. We all accept that we want to basically have legislation that provides for clean water in Ontario and that we have some assuredness that when you turn on the tap, people don't get sick. As the member knows, he's experienced that all too well where people died in his community in Walkerton, and we learned the price of what can happen when the system fails. But he makes a point, and it's true, because there are two major flaws in the bill. It's a step in the right direction, I said the other day, but number one is, a lot of this stuff as far as the timeliness—not the timeliness of the bill but the amount of time allowed for various sections to come into force—is going to take some time to get to where we've got to go.

The second thing is that the municipalities are the ones left holding the bag to pay for this in the end. We don't see the funding commitments that need to go with this bill in order to give the municipalities the capacity to basically adhere to the bill. It's going to come down to decisions for municipalities. They're going to have to, at one point, follow what the intent of this bill is, and part of the problem is they're going to have to make decisions elsewhere where to cut. Do you not pave the road? Do you not fix the bridge? Do you not fix the arena roof? Do you not replace the windows on the municipal complex? Those are kinds of decisions they're going to have to make in order to go with that. So I just want to say to the member, point well made.

**Mr. Brad Duguid (Scarborough Centre):** I listened very carefully to the member from Bruce-Grey-Owen Sound and the comments he made. Frankly, it just reminds me of the same old Tory approach: duplicity in argument and divisiveness in the content of what they're trying to say.

I hear him trying to have it both ways when he says, "Get it right," but then he criticizes us for going to committee and listening to the rural communities and making amendments. Duplicity, Mr. Speaker, that's what duplicity is about.



Throughout his comments, references to Toronto, as though somehow—

**The Acting Speaker:** I would ask the member to withdraw his unparliamentary comment when he suggested that the member was guilty of duplicity in his argument.

**Mr. Duguid:** My apologies, Mr. Speaker. I certainly withdraw.

As I said, the argument was very divisive in nature, trying to once again divide rural Ontario from urban Ontario. When I think of the things the government has done in terms of listening to rural Ontarians, listening to farmers, let me just quote some of the very significant amendments that were made at committee. Here's a quote from Ron Bonnett in an editorial in Ontario Farmer: "It is gratifying to see the provincial government respond positively to proposals put forth by the farming community on issues such as the Clean Water Act. It is proof that a clearly articulated message from the farming community can be grasped by our government representatives and turned into meaningful legislation." That's a positive response from our rural community.

Let's hear from Tom Van Dusen, a journalist from Ottawa: "Most farm leaders and conservationists are celebrating the province's decision to smooth out some of the rough spots in Bill 43."

We're working with rural Ontario and coming forward with better legislation—

**The Acting Speaker:** Thank you. Questions and comments.

**Mr. Yakabuski:** What we see from the member from Scarborough Centre is exactly what the problem is in our system: So much of that power rests in the Premier's office. Now, for the member from Bruce-Grey-Owen Sound, it didn't matter who was in the Premier's office. He has stood up for the people he represents at all times. That's why he's sitting there now. He will always be re-elected, because he stands up for the people who sent him here.

On the other hand, these other people are completely intimidated by the Premier's office. That's the problem in a situation like this. We've got a whole gaggle of members over there who would like to stand up against this bill, but they're being told by the corner office there, "Keep your mouth shut or say what we tell you to say"—like the member for Scarborough Centre. He was talking about the president of the OFA and he said "Ron Bonnett," because he was told what to say but not how to pronounce his name. It's all messaging. They're completely intimidated by the Premier's office on this bill or any other bill. That is the shame of this House: that the Premier's office can tell these good people—and I respect every one of them; they've been elected in their own communities—"This is a bill that we want because of the political divisiveness of the bill." The whole point of this bill is to divide. They're being told, "You get on board." You see all of these people who have aspirations that, before they lose, they might get a car and driver. It's getting tight, folks. Those who have the car and driver

are thinking, "Jeepers, I don't want to lose it in the last year, so I'm going to do whatever the Premier tells me to do." That's the system we've got here. This bill is a disaster.

**Mr. Ernie Parsons (Prince Edward-Hastings):** To the member for Renfrew-Nipissing-Pembroke, I like you, but I may be the only one in here, and I accept that. Even on your own side, you got one clap.

You're not a new member anymore. You've been here for three years now. You've been in one caucus, and you believe that's the way that things work in the other caucuses. That's not the case. I can remember sitting over on that side in opposition and watching the Conservative members read speeches written by the ministers' offices. Every speech was written.

I look at these members on our side, and we stand up and say—now, I know that surely you're not opposed to clean water. The farmers are not opposed to clean water. The farmers' concern was the cost. I am very proud that our government introduced funding to assist with the cost. As a rural member, I have not received complaints about the cost for some weeks now.

*Interjection.*

**Mr. Parsons:** I'm as rural a member as you are, and I believe that my community has had ample—

*Interjection.*

**Mr. Parsons:** My riding is more than Belleville—and bless Belleville. It's probably the best city in Ontario, as I think you'll agree unanimously. But in my community, which is heavily agricultural, of course there's concern about costs. Farmers are facing world-caused challenges on this, and our government has listened and our government gave opportunity.

I used to be absolutely ashamed of your government, with your lack of public consultation on bills in the past, with the number of times in time allocation. You didn't want to hear the reaction when you were government.

Our government has gone out of its way to consult on every bill before this House. You sit on committees, Mr. Yakabuski. You see the number of amendments that come into every bill to reflect what the community has to say on it. I make no apologies for the way our government has handled this bill. It has listened to the public, it has responded, and it has brought into place a bill that will produce clean water.

**The Acting Speaker:** That concludes the time for questions and comments. I'll return to the member for Bruce-Grey-Owen Sound.

**Mr. Murdoch:** I want to thank, first of all, the member from Timmins-James Bay. We are good friends. He talked about the downloading, which is there; there's no doubt about it. I believe they're going to get rid of the Ministry of the Environment and turn it all over to the municipalities; this is the first step to do it. They criticized us for getting rid of people in the environment ministry. Well, you're doing it, and you're going to do it even more by telling the municipalities they have to enforce these rules. So the downloading is one of the big issues.



Now we get to the next member, from Scarborough Centre. I thought that in McGuinty's office they browbeat all the rural members because they didn't stand up. Now I see they're picking on their large urban—they've written a speech for him. He couldn't even get the names right, but that's okay; he doesn't work with these people too much. But the Premier's office is also browbeating them, so that's unfortunate. That promise went out the window a long time ago: "We're going to listen to everybody, even the backbenchers on the opposition."

Then we come to Renfrew–Nipissing–Penetang—I mean Pembroke. Penetang? I was just thinking he might have been to Penetang the odd time, but it's Pembroke

*Interjections.*

1910

**Mr. Murdoch:** Any time he does speak here, he's always right on. I may lose my two minutes to him yet, too. But anyway, he's always right on and I'm glad to hear him speak out.

Then we get to Prince Edward–Hastings. I'm a little disappointed in that member, because I know he works hard in his riding. I know that he's not going to come back, and we're going to miss him and things like that. But when you say, "We're proud," don't get so proud of your government. They're not to be proud of. They did put some money in, but until they put that 100% in, we can't trust you. I'm sorry; too many broken promises. We need that 100% guarantee. If we get it, fine, but we're not going to get it, by the look of it.

**The Acting Speaker:** Further debate?

**Mr. Bisson:** I was looking forward to the opportunity to say a few words on this particular bill, the Clean Water Act, because it affects not only towns and the agricultural community but affects a number of people when it comes to the issue of being able to take water and distribute that water for consumption.

First of all, I just want to put on the record straight up that there's not a member in this House who is opposed to the idea of trying to strengthen regulation and legislation towards being able to—

*Interjection.*

**Mr. Bisson:** Maybe there are some Liberals opposed. I didn't know that, but they're heckling over there. My point is that there is nobody here who is opposed to the whole idea of being able to fortify the rules when it comes to drinking water. We all know far too well what happened in Kashechewan, we know what happened in Walkerton, and we now hear what is happening up in Marten Falls. We certainly need to do something when it comes to making drinking water rules for all citizens of this province stricter.

I will speak to the First Nations aspect of this bill after, but I want to first start with a couple of points. This bill doesn't affect First Nations, because First Nations are not under this particular legislation. Maybe they need to be, but that's a debate for a little bit later.

I just want to say a couple of things upfront. The first problem with this bill is that although it's laudable and it tries to go in the right direction, there's a complete lack

of timelines inside the bill. We're left to wonder, based on the way the bill is written as far as the various implementations in the bill, if it's anywhere from one to five years to implement the various sections of this bill. I would be able to accept that if I understood clearly that it's because the government needs to put in place the funding mechanisms to allow municipalities and others to live to the standard set in the bill. I would argue that the standard is probably not as strong as some would like; it might even be stronger than some want. But part of the problem is that on the one hand you're saying, "We're going to stagger in and delay the implementation of various parts of this bill." I have to believe the reason the government does that is to give people a chance to adjust. But if there aren't dollars tied to it as far as a solid commitment from the provincial government saying, "In year one through year five, here's what we're putting forward as far as dollars to allow farm communities and others to be able to live up to the commitments in the bill," then you've got to say to yourself, what's this all about? It's about another issue where the government says, "We've got a great idea. We're not going to pay for it. We're going to let somebody else pay for it."

We've seen that under the federal government. The federal government has been notorious—and I'm probably in step with most people in this House when we talk about Ontario not getting a fair shake from Ottawa when it comes to the fiscal transfers that we get from the federal government. Part of the problem I've always had with the federal government is that they set a standard on something and then they say, "Let somebody else pay for it," and we, the province, end up picking up the tab. Then we have a Premier, such as we have now with Mr. McGuinty and had with other Premiers before him, saying, "Foul, foul," to the federal government for imposing a standard and then saying that we have to foot the bill. But we're not doing any different here. That's exactly what we're doing. We're saying, "Here's the standard that municipalities, the farm community and others are going to have to follow." Everybody stands back and says, "Okay, fine. How are we going to pay for this?" The provincial government says, "We're silent on that point in this legislation," and I have yet to see an announcement by the provincial government that is prepared to say, "Here's what it's going to cost the municipalities, the farm community, trailer park owners and everybody else, and this is how we plan to fund it."

I accept that part of the responsibility has to fall on the municipal government. I understand that. Municipal governments are responsible to a large extent for being able to run their water systems, depending on how they're structured. Some of them under the Clean Water Agency are funded through the municipalities but run through the provincial Clean Water Agency; in other cases, they run it themselves. But they are looking for assistance from the province to be able to pay for this.

Here's the problem, and I spoke to it very quickly when the member for Bruce–Grey–Owen Sound spoke: If we say the municipality—I'll just give you an ex-



ample; the town of Smooth Rock Falls—has to meet a new standard, and let's say it costs them \$800,000 or \$1.2 million to meet the standard, they're going to have to, by law, meet the standard—fine—but then they're going to have to pay for it. So where do they get the money? They either debenture and go into debt, something that provincial governments have often chastised as far as the level of debt the province and others hold, but also the issue is, that municipality is going to have to say, "Where else am I going to cut in order to offset this \$1.2 million that I've got to pay to meet the provincial standards?" What's the choice? A town like Smooth Rock Falls, who lost their only employer, Tembec—hopefully we'll hear some news in the not-too-distant future that will be positive news towards reopening, but at this point they're closed. Where does that community go to pay the \$1.2 million—I'm just estimating that that's the cost—that they would need to meet this particular standard?

They go back to the taxpayers. Well, the taxpayers can't pay any more. We all understand that people on the municipal side are feeling as taxed as they can. People are paying assessments on their homes that are quite high. People are paying anywhere from \$3,000 to \$5,000 a year in municipal taxes, depending on the value of their homes, in communities like Timmins, and in places like Smooth Rock Falls, anywhere from \$2,000 to \$4,000. And they're saying, "I can't afford to pay more." So the municipal council is sensitive to that and says, "I don't want to raise the taxes, so I'm going to find the money elsewhere."

What do they have to do? They've either got to lay off municipal workers who are used for essential services—ploughing the road, maintaining our sewer systems, doing whatever might have to be done at the municipal office—or they've got to find the money elsewhere. So they say, "For the next three years, we're not going to do any repairs on the arena. We're not going to do any repairs at the pool. We will not go ahead with reconstruction projects for our municipal roads." What ends up happening is that to fix one part of our infrastructure, we allow other parts of our infrastructure to fall apart.

I'm just saying to the government across the way that I support, as a New Democrat, the concept of the Clean Water Act as far as protecting our source drinking water. I don't think the legislation actually does what you set out to do, but the part that's got me upset and is going to have a lot of municipal councils upset is that at the end of the day the municipalities and others are going to be left holding the bag. Then we're going to have them making decisions about "Where else we can allow infrastructure to crumble in order to be able to maintain what's inside this particular bill?" So I say to the government, there needs to be a funding commitment tied to it.

On the issue of failed infrastructure, we're seeing, over the last number of years, less and less money going into infrastructure. Governments have been very clever, both the previous government and this government, when it comes to saying, "We're really doing something with infrastructure." But if you look at the overall amount of

money we spend as a whole in today's dollars compared to, let's say, 20 years ago, we're actually spending less, because each ministry in the past used to have its own capital infrastructure programs. If you were Ministry of Municipal Affairs or Ministry of the Environment or ministry of sports and recreation, or whatever ministry you were, you had various pots of infrastructure dollars, and municipalities were able to basically tie into that money to fix their infrastructure. So you saw across Ontario arenas being fixed, pools being constructed, community halls being built, roads being fixed, water and sewer. Why? Because municipalities had more ability to get capital dollars from the provincial government.

At one point, we even had the federal government doing a one third/one third/one third with the municipality and the province. What has the government done? They've said, "We're going to create a huge fund called SuperBuild"—that's what it used to be called—"and we're going to make all funding announcements come under one ministry." This Liberal government is calling it something else, but essentially it's still SuperBuild. But now what you've got is, a town like Hearst says, "I can only apply for one capital project. Which one is it going to be?" Spin the wheel, and it lands on 7th Street, and that's the application that goes in. They don't have the ability to say, "I need to get my arena fixed. I need to get the windows changed at the seniors' complex," or whatever it might be, because the various pots of dollars that were there for capital no longer exist, and they have to apply to one fund.

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My point, and the alarm bell that I ring, is that if we're not investing in our infrastructure in the good times—and the economy has been pretty good over the last number of years—over the longer time, it's going to cost us more money. For municipalities, big and small, it's a huge problem. What do you do when your infrastructure starts to fail and all of a sudden you're left holding the bag, having to pay the piper? It's going to be a really expensive fix 10 or 15 years down the road. This government may not have to worry about the problem, and I would argue maybe even the next government won't have to worry about the problem, but down the road we're going to have municipalities across this province that are going to be in dire need of major investments in infrastructure, everything from transit, to roads, to water and sewer, to swimming pools, to municipal complexes, you name it, because we have not put the dollars forward that allow them to do that. That's one of the criticisms I have of this particular government and the previous government when it comes to their approach on capital. This government says or the previous government says, "The way to do that is to bring the private sector in by way of partnership." I'm just saying that is not a very wise way of doing things, in my view, and we can get into that debate some other time.

I said at the beginning of my talk on this bill that one of the things we're failing to do is to deal with the drinking water issue in First Nations communities. We saw in



this Legislature and we saw in Ottawa last fall what happened to the community of Kashechewan. There wasn't a member in this assembly who wasn't shocked at what they saw in that particular community, where you had children who were sick with scabies, you had elders who were sick, an entire community that had to be evacuated because of the condition of the drinking water. You couldn't even bathe in the water, the way it was affecting the people in that community.

The province, to give them credit, when we put some pressure on them, evacuated the community. That, in turn, forced the federal government to respond. But here's the problem, here's the nub: What's wrong with a system that allows something like this to go to such a degree that we had to declare an emergency to get the federal government to deal with the problem in Kashechewan? There's a real, fundamental problem here. I think the problem is that the federal government has absolutely no capacity to deal with drinking water and sewer systems in those communities. They basically fund infrastructure through INAC, Indian Affairs. They have a limited amount of money. I think it's about \$600 million for Ontario per year. That money has got to go to all the First Nations communities, from southern to northern Ontario, from east to west, and it is done to build up the infrastructure. But what you end up with is water plants that are built to a standard that is less than the standard in the province of Ontario. In fact, if you look today, the water plant in Kashechewan does not meet the standards of the province. There are design flaws within that plant. If that plant were in the provincial system, it wouldn't be allowed. Currently, the drinking water is safe there, but another tragedy could happen quite easily based on the design of that plant.

We look at the community of Marten Falls that is just now starting to surface in the news. I was in Marten Falls in August for a powwow, along with my former intern, Mark Peverini. We went in to participate at the powwow and as we were sitting there, we noticed there were children who had the same type of sores that we had seen in Kashechewan the year before. We started asking the question, "What's this all about?" We went to talk to some of the kids, asked them who their parents were. They happened to be at the powwow grounds. We went to talk to them and they said, "Well, you know, every year kids get mosquito bites." That's what happens in northern Ontario, the mosquitoes come out. But what's happening this year is that the mosquito bites are infecting and making rashes and creating a form of scabies. Parents were quite concerned.

So what did we do? We said, "Let's take a look at the water plant." Well, here you've got a water plant that has been built by the federal government. There is no requirement—the federal government will argue with me on this. They'll say there is, but in practice there isn't any requirement to make sure that the water plant operators are properly qualified to run that water plant. They have one qualified water plant operator for the entire community. What happens if that person becomes sick or that

person has to go out of the community on holidays or is on a day off? You don't have anybody else who is qualified. As far as design, from what I saw, there were deficiencies within that water plant. As I looked at the logs, the chlorine levels were really high, which sort of got me thinking that if we're injecting chlorine into the water system, it must be because we think there's something wrong with the water at those levels. So the first issue is that these water plants, as designed and installed by INAC, have some inherent problems with them. We started asking, "Why is it that the water is contaminated? What's going on?" Chief Elijah Moonias of the community says, "It's simple. Our sewer sumps on the municipal waste system fail, the system fills and overflows into a creek that ends up flowing into the river that is just upstream from where the intake for the water plant is." Does that sound familiar? That's almost exactly what we saw in Kashechewan—maybe not to the same magnitude, but certainly the same problem. Here we are, a year after what we saw in Kashechewan, and we've again got a federal government that says, "Oh, we'll look at it. Don't worry." So my federal counterpart, Charlie Angus, and I said, "Listen. We don't want to be seen as trying to stir up the media on this thing. Let's try to work with INAC, let's try to work with Jim Prentice, let's try to work with the province to find a way to resolve this." The response has been the same as we had under the Kashechewan situation.

I say, it's clear that the federal government doesn't have the capacity to deal with this. One of the things I want to see is a very serious discussion from the province with the First Nations and the federal government to transfer over the responsibilities for monitoring and maintaining the water systems in First Nations communities. I recognize that that is not easy to do, because the federal government is going to have to agree. I also recognize there's a fiduciary responsibility on the part of the federal government to First Nations and that, whatever agreement we were to negotiate, the federal government would have to put forth its share of the money, as it is obligated to do under the Constitution of Canada when it comes to their responsibilities by way of treaty, by way of the Indian Act and the Constitution of Canada. So we can't leave the federal government off the hook.

My point is this: The federal government doesn't have the capacity to monitor water in the way we do as a province. I give the following analogy: It's like having two baseball clubs. One's called Ontario and the other baseball club is called Ottawa. The Ottawa baseball club has nine players and a spare—right?—and they're going into the World Series. The Ontario baseball club has nine players and a bench of 20. That's the difference. There is depth of bench when it comes to the Ministry of the Environment, the clean water agencies and others in the province that we don't see with the federal government. It's a question of capacity and the ability to respond to whatever crisis happens out there and to have the staff to inspect the water plants on a regular basis, to do drop-in inspections—or snap inspections, as they would call



them—and to make sure that we monitor the qualifications of all those people who run water plants and make sure they're run to a standard and maintained to a standard. The federal government doesn't have the capacity.

When we called the federal government on the issue of Marten Falls, we said, "At the very least, send a doctor up there to check somebody." The doctors did the same thing we saw in Kashechewan the year before: "Nothing wrong. I don't know what the heck's wrong. All I saw was a bunch of kids with scabies." For God's sake, if we had that in Toronto, if we had that in Sault Ste. Marie, there would be an outcry and the province wouldn't allow it to happen—rightfully so—but because it's a First Nations community, we play the game from the province: "Oh, well, it's a federal responsibility. We're going to have to go to them to fix the problem."

I'm saying, as a provincial politician and as the representative of Timmins-James Bay, which includes the communities of Marten Falls and Kashechewan, that's not good enough. It's clear: The federal government has failed. They will continue to fail. People will continue being ill and, God knows, people might die. The province has to take the responsibility. I challenge this government to work with us—with Howard Hampton, my leader, who represents one half of northern Ontario when it comes to First Nations, myself and a few other northern members who have First Nations—to enter into discussions with Nishnawbe Aski Nation, with the Chiefs of Ontario and others, to look at how we can transfer over the responsibility for water to the provincial government so that First Nations members who live in those communities can have the same basic right as any other Ontarian in this province.

I would just end on that. How can we have, in this day and age, a system that says, "If you live in a non-aboriginal community, here's the standard, but if you live in an aboriginal community, the standard is different"? Clearly, the federal government has missed the boat. Clearly, the provincial standard is better and stronger and more developed and has the ability to respond. We need to equal it out—not by pulling down the provincial standards to the feds', because that's how we got into this mess in the first place, but by removing the federal government from the equation and bringing those communities to a standard that is the same as for any other Ontarian.

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If I live in Attawapiskat or Big Trout Lake or Six Nations or wherever it might be—the last time I checked, those people were Ontarians. They live in the province of Ontario; they work in the province of Ontario; they pay taxes in the province of Ontario. Unbeknownst to people, First Nations people do pay taxes. A lot of them live off reserve and live in communities like mine and pay taxes. They have a right. We have a responsibility to maintain an infrastructure that is equal to any other community in this province and is not to a standard that is lesser because these people happen to live in a First Nations community.

I just want to say that in the end it was a very interesting discussion, considering this conversation behind me for the last 20 minutes; thank you. I would just stand on this point: I want to say clearly again that nobody in this House opposes the direction of making water safer in this province. The opposition that is coming from both the Conservatives and New Democrats is a little bit different, but basically in the same vein. What I'm saying is, the way this bill is written, there's a lot of time between when things get implemented and they actually get done, and there's no guarantee that we're going to fund the changes that we're requiring under this act.

**The Acting Speaker:** Questions and comments?

**Mr. Bob Delaney (Mississauga West):** When I was asked to comment on the remarks by the member for Timmins-James Bay—a member who, I might add, represents an area larger than most countries on the globe—I thought I was experiencing a bit of *déjà vu*. I thought to myself, "Didn't I comment on this bill just last week?" I looked it up, and indeed I did. So let me start with a contrast.

Before I was elected by Mississauga West—a community, by the way, that wanted real, active, hands-on representation—the government that Ontarians had shown the door in 2003 had introduced its own Nutrient Management Act and, by the way, time-allocated it and had no debate at all on third reading. Here I am commenting on it for the second night of third reading debate. That act, by the way, really did stick it to our farm community, with no promise of compensation. This government's act has \$7 million just to start.

The member for Timmins-James Bay, in his remarks—one can never take away from him the passion that he brings to the representation of his rich and diverse community. Just as clarification, he did mention, with regard to water—Minister Broten, the Minister of the Environment, did in fact order the province's chief drinking water inspector to Kashechewan to evaluate the situation and propose a solution, and these solutions were delivered to Indian Affairs and Health Canada within 30 days, exactly as they should have been.

He made another comment, again regarding drinking water on First Nations reserves. I think it was Marten Falls. Again, the ministers of the environment and of natural resources wrote to the federal minister for Indian Affairs—this was just last week—to offer technical assistance, exactly as was done in Kashechewan.

One other comment worthy—oh, I'll do that the next time. Thank you very much, Speaker.

**Mr. Yakabuski:** It's always enjoyable and informative to listen to the member for Timmins-James Bay. He brings, as he said about the member for Bruce-Grey-Owen Sound, a unique style and a unique perspective to the Legislature, and he does not simply get up and make things up. He believes in what he's talking about and he delivers it with a great deal of passion, and we certainly respect that.

Some of the things he was talking about are the same concerns that we have with regard to the impact on



municipalities here in the province. It has been all over the papers in my riding, and I happen to represent 17 municipalities. Unlike, for example, some of the members over there, where there might be 20-some members representing one municipality, I actually represent 17 municipalities in my riding of Renfrew–Nipissing–Pembroke, and they are all very concerned about the implications and the impact of this bill.

You've got to remember: These are citizens and politicians who have heard it all from these people across the way before, and now they're supposed to just say, "Oh, well, the Liberals are telling us everything's going to be okay"? Well, certainly we can take their word for it. They haven't broken any promises—my goodness, gracious, more than Carter has pills. In fact, I can't keep count of them because every day the number changes. Every time the Premier gets up to speak, you can rest assured that something else will happen: A promise will be broken, or the people simply will be misinformed in one way or another.

We're going to have more opportunity to speak to this, but it looks like my two minutes run by so fast.

**Mr. Dave Levac (Brant):** I want to compliment the member for Timmins–James Bay on his analogy of concerns he has regarding First Nations. He and I share a passion for improving the lot of people on First Nations.

I want to share with him something I already did, but I'll do it publicly: It's not just a problem in the north, as he knows. There is southern Ontario, where we have in Six Nations, identified by me, 165 places that don't have running water, sewers or septic tanks. That should not be acceptable anywhere, absolutely anywhere, in Ontario. What's unfortunate is that the opposition on the Conservative side have decided to do nothing but throw out rhetoric and talk about how things are not right. What we should be doing is talking and working together on all three levels of government to improve the circumstances of the First Nations people.

I do agree with him that we need to put more pressure on the federal government, for them to come to the plate and make sure they understand clearly that this isn't about politics. This is about people who are literally getting sick and should not be subjected to that in Ontario. So I would work hand in hand with him, as I've made the commitment to do. I believe that anyone can stand up and say all kinds of rhetoric, back and forth, about what's going on and what shouldn't happen. What we should be working on is making sure that in the situation and the circumstances that our First Nations people face, they have as much opportunity as possible to have clean water and a sewer or septic system that could be used by anybody in this province. The fact is that our government did take action, and I think he acknowledged that. Within a 30-day time period, the Minister of the Environment did notify Jim Prentice that there was a problem and sent the experts up there, but that's still not good enough. I'll say to him boldly that not to have clean water is still not good enough for our Six Nations people or anybody in the province of Ontario.

**Mr. John O'Toole (Durham):** I do rise with respect for the member from Timmins–James Bay and the work he does to represent First Nations, as the member for Brant has just said. But I want to get back to basics here in the few seconds that I'm allowed to speak.

Our critic, the member for Haliburton–Victoria–Brock, Laurie Scott, has done a yeoman's service on this particular bill throughout the province of Ontario. In fact, our House leader, Bob Runciman, forced this government to have public hearings. That has to be on the record here. They were forced, literally dragged, kicking and screaming, to have hearings.

If you really want to get into the details of this bill, the NDP member from Toronto–Danforth, Peter Tabuns, who is their critic, and Laurie Scott, in the hearings—subordinated, time-allocated almost—for the amendments to that bill, moved amendment after amendment. In fact, you should know that the bill was about 40 pages; there were 250 pages of amendments, entire sections. In fact, the public was calling this Bill 43 "legislation by amendment." There were more amendments—entire sections were amended. This bill was poorly consulted, poorly drafted, and will achieve none of the objectives that were set out under Justice O'Connor's vision.

So the member for Timmins–James Bay has done a very good service of bringing to light the real-life experiences he's ascribed to the First Nations issues that aren't adequately addressed by this bill.

The member from Scarborough Centre was quoting some statements from Ron Bonnett. Ron Bonnett's initial response to Bill 43 was that he was opposed to it. But after they gave them the \$7 million, he sent in a quote that they were accepting of it. This does nothing for rural Ontario. Indeed, it does nothing for the water quality of Ontario.

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**The Acting Speaker:** I return to the member for Timmins–James Bay, who has two minutes to reply.

**Mr. Bisson:** I'd like to thank the various members for their kind comments in regard to the work that I and other members in this Legislature do when it comes to trying to advance the cause of First Nations.

I just want to say to my good friend the opposition whip that I appreciate the comments you made earlier today in private, and repeating them here, that you agree that, in the end, we need to find some way to bring some reality to the system. What's clear is that the federal system is not working. What we need to do is not accept the federal government's non-answer when, every time we call them, they're not answering the phone or every time we send them a letter, they don't answer the letter. I think we need to, and this is maybe where I disagree, politicize it to an extent, but politicize it from the perspective of the First Nations. We need to get the First Nations working together in order to put the pressures that need to be put on the federal government to take this issue seriously. What happened in Kashechewan and what's now happening in Marten Falls, you were correct to point out, is happening in many communities in



southern Ontario, as much as in northern Ontario, and is going to continue happening.

As they say in one particular saying, "An injustice to one is an injustice to all." It not only speaks badly as far as what First Nations have to see, but it speaks badly about all of us. We need to stop ringing the alarm bells and we need to engage in some really meaningful dialogue with First Nations in looking at how we can transfer those responsibilities over to the federal government.

I recognize, in the last 20 seconds that I've got, that this is a big-ticket item. This would cost a lot of money.

**Mr. Yakubuski:** A lot more than \$7 million.

**Mr. Bisson:** A lot more than \$7 million, but this is something that needs to be done, and I truly believe that at the end of the day, all Ontarians should be treated equally, First Nations or non-First Nations. We should all get the same treatment when it comes to having clean drinking water.

**The Acting Speaker:** Further debate?

**Mrs. Liz Sandals (Guelph-Wellington):** I'm pleased to be able to rise tonight to speak in support of Bill 43, the Clean Water Act. If passed, this act would implement 12 more of Commissioner O'Connor's recommendations and contribute to the operational implementation of all 22 recommendations related to source protection.

If you have been listening here in the House, it would actually be rather difficult to figure out what the bill really does. The starting point of the bill is to require municipalities, led by the conservation authority in the area, to map out the sources of municipal drinking water—and those sources could be either surface water or groundwater—to get some really good science-based data about how we collect our drinking water, what are the threats to that drinking water, and then to develop a local source water protection plan. The source water protection plan would be required to identify threats to the local drinking water source, to propose actions to reduce or remove those threats and to empower local authorities to take preventive measures before a threat to drinking water can cause harm.

I think it's very important to note that the majority of funding that has happened so far has actually been directed towards the scientific study of the drinking water sources and ultimately to the development of the plans. In fact we have committed, just in the last year, \$67.5 million to that source protection planning process. Specifically, \$51 million is going towards municipalities and conservation authorities, and an additional \$16.5 million for conservation authorities. When you include that with funding in previous years, there's actually a total of \$120 million which has gone into the whole process of doing the scientific studies that will lead to these source protection plans.

It's very important, certainly in my area, Speaker, and you would be aware of this: In the Guelph area, our drinking water actually comes from groundwater. In fact, in the upper Grand River area, most of the municipal drinking water actually comes from groundwater.

While a fair bit is known about source water and how it travels, a whole lot less historically is known about groundwater flow patterns. The groundwater doesn't necessarily flow in the same direction as the surface water, so you can have the surface water going east while you've got the groundwater flowing west. This is really something that, in a lot of areas, we don't know a lot about. When we finish the mapping for the source water protection, we will know a whole lot more than we do right now about what really is going on with our groundwater, and knowing that, we can come up with good science-based plans.

We did do extensive hearings between second and third reading, unlike the previous government, which often went directly from second to third reading without any public hearings. We do look on public hearings as an opportunity to listen to people who will be affected by legislation and to look for ways in which we can improve that legislation. In fact, in this case, we made significant improvements to the legislation, particularly with respect to things that farmers and people in the agricultural and rural communities were saying to us.

In particular, we have set up right in the legislation a fund that will allow us to make grants to rural areas, to farmers, to assist with the actual implementation. So far, we have committed \$7 million to that fund, but we know perfectly well that \$7 million is not the end of it. That's what we've committed to in the next budget, but when we know we have those source protection plans in place and see the technical details, we will know much better what it is we need to do. At that point, we will be able to arrange the funding to assist rural communities.

In fact, as has been said previously, those amendments have gotten very positive play. Ron Bonnett, president of the Ontario Federation of Agriculture, said, "The government is clearly listening to the concerns of rural Ontario."

John Maaskant, chair of the Ontario Farm Animal Council and co-chair of the Ontario Farm Environmental Coalition, said, "This is an encouraging announcement and indicates that agricultural concerns have been taken into account."

Richard Hibma, who's the chair of Conservation Ontario, said, "This step is an important one to help protect drinking water sources in rural Ontario."

Doug Reycraft, president of the Association of Municipalities of Ontario, said, "It means municipalities and property owners can better work together to protect local water supplies."

We didn't just set up a drinking water stewardship program, the \$7 million in initial funding. We've also made some other amendments which were important to rural communities, to make sure the people who are vetting those local source protection plans know full well that they have good training, both with respect to source water plans but also with respect to biosecurity. That was very important to our farming community.

I'm very pleased to be able to support Bill 43, because I think it is something that will make a great difference to all Ontarians in terms of protecting their drinking water,



but it also recognizes the challenges that are faced in rural Ontario—working with our farm community, not against it.

**The Acting Speaker:** Questions and comments?

**Mr. O'Toole:** I'm anxious to hear our member from Renfrew–Nipissing–Pembroke, who is about to get up and who will provide a lot of input.

The member from Guelph–Wellington should know that one of the strongest Ministers of the Environment we had here, talking about this particular bill, which is an environment bill, was Brenda Elliott from Guelph–Wellington. It's my sincere hope that Brenda will come back—not to put the member in a disadvantaged position to respond to that comment.

This bill does nothing of the sort that you espouse it does. I attended the public hearings, as did our critic, Laurie Scott. The only thing I can say with certainty is Ron Bonnett—

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**Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford):** Bonnay.

**Mr. O'Toole:** Bonnay. The member from Scarborough Centre called him “Bonnett.”

*Interjections.*

**Mr. O'Toole:** Ron Bonnay, Bonnett—Ron Bonnett, who's the president of the Ontario Federation of Agriculture, his initial response, as Ms. Scott could tell you, was categorically opposed to Bill 43. It achieved nothing that it has espoused to achieve.

But after some manipulation, and I don't think that's an unparliamentary term, after some undue influence by a couple of ministers to get Ron—they twisted his arm, actually; they gave him \$7 million, and they appointed him to the advisory committee, the 12-member panel—Ron relented. And they sent him, I'm sure—I can't attest to this without insightful knowledge—a quote saying, “Ron, would you mind signing this endorsement?” I wouldn't want to attribute that to Ron, as having signed it without reading it, but Ron—

**Mr. Tascona:** Bonnay.

**Mr. O'Toole:** I think a lot of Ron Bonnay, but I think more of Ron Bonnett. Quite frankly, this bill has been foisted on the people of Ontario. It does nothing to solve the problems of water quality. It creates more bureaucracy and more cost to the people of Ontario.

**Mr. Bisson:** On behalf of all francophones, it's “Bonnett,” just to get the record straight. But I understand. I've been called all kinds of things. We understand that people, at times, are not able to pronounce names that they're not used to. How frustrating that might be for some of us is for another debate.

I just say to the member across the way, I really truly hope that the government would have actually tried to listen to the opposition on this particular bill. I want to say again: Nobody is opposed to the idea of clean drinking water. That's motherhood and apple pie. The devil is in the details, and as I said, as I see it, there are really two fundamental flaws. One is that the time lines within this bill are staggered. I say on the one side that may be a

good thing, because it gives municipalities and others an opportunity to adjust to the bill. But we don't see any of the dollars that are necessary, that need to be attached by way of announcements from the ministry, to say how we're going to pay for this.

Municipalities are short on cash and long on need and, quite frankly, we're just adding more to the need and not doing anything about the cash side. All I say is, municipalities will find themselves in a position of having to say, “All right, I must maintain this standard. Fine, it's the law, we're going to do it,” but where are they going to cut other infrastructure to be able to pay for it? Because we know that municipalities don't want to raise municipal taxes. They feel that their citizens and property owners are as taxed as they could be. So where are they going to have to go? Debenture debt and pay it over a longer period of time, or take it from other capital reserves if you happen to have it, or take it from future capital projects in order to be able to offset the amount of money this would cost. I'm just saying that we're coming close to the wall when it comes to infrastructure deficits in this province. We've already gone over that line as far as I'm concerned, and this bill will push us further.

**Mr. Delaney:** Is that M. Bisson or Mr. Bisson? I'm not sure.

It's a pleasure to comment on the remarks by the member for Guelph–Wellington, the member who, I believe, represents the University of Guelph, which includes perhaps Canada's leading academic programs on agriculture. She very effectively, of course, makes the point that the Clean Water Act implements another 12 of Justice O'Connor's recommendations and that, in fact, Bill 43 is really a very simple bill. Despite all the smoke-screen thrown up—and I use those words deliberately—in the name of obfuscating what is a very simple bill, it is in fact the first substantive effort in Ontario history to protect land and water surrounding water wells and municipal water intakes.

Now, perhaps some of the members here are against clean water. Not me, and not the city of Mississauga. In fact, again, if you're watching tonight, if you remember Walkerton, if you go back six years, you'll understand the need for this bill. Our farmers, whose interests and needs form the core of this bill, have been very vocal in their support.

Bill 43 protects municipal drinking water. It provides the means to prevent water from being contaminated or depleted in the first place. It's really a very simple bill. This bill is about looking after our cities and our farms. This bill is about clean water. This bill is about listening to constructive suggestions, and that's why this bill received the extensive debate that it has. That's why it received the thorough committee hearings it did, and that's why we're here tonight debating it at third reading. This bill is about learning from what Ontario has heard. That's why so many of the suggestions that were made in the hearings are reflected in the bill.

**Mr. Yakubuski:** I'm pleased to respond to the comments of the member for Guelph–Wellington. She was



delving into her interpretation of the science, which was interesting, but I want to go back a little bit.

I feel a little bad for the member for Scarborough Centre, who was struggling with the name of the head of the OFA. As I see it, it's Bonnett. But I can understand, because my own name in this Legislature, quite frankly, gets kicked around quite a bit too. I have heard Yakabuski, Yakabuchi, Yakabushi, Yakabouski, Yakabushki, and in fact it's Yakabuski. For the record, it's Yakabuski, and I would hope that all of those folks over there would get that clear. It's Yakabuski. If you want to monkey around with Ron Bonnett's name, that's one thing, but mine is Yakabuski.

Getting back to the issue at hand, Bill 43: Again, the member for Guelph–Wellington was going on ad infinitum, but she didn't use the 20 minutes. Could she not explain the science a little more completely? She ran out of gas, or I'm not sure exactly what it was, but she didn't continue with the scientific explanation.

I'll tell you what the explanation is in my riding and across rural Ontario, and all of those rural members had better key into that a little bit: It's about representing the people who send you here. When you're telling people that this bill is going to be good for them and cost them little, and that the government is going to come up with \$7 million to cover a bill that is going to cost a thousand times that number—and they're saying we've got a down payment of \$7 million—the people can't afford this bill the way it is. There must be a rewrite.

**The Acting Speaker:** That concludes the time for questions and comments. I'll return to the member for Guelph–Wellington, who has two minutes to respond.

**Mrs. Sandals:** I'd like to thank the members from Durham, Timmins–James Bay, Mississauga West and Renfrew–Nipissing–Pembroke for their various comments.

Perhaps I had an advantage over the member from Durham, who seemed to have listened to Ron Bonnett at the hearings, because I actually had the opportunity to talk to Ron Bonnett—and it is “Bonnett”—after the bill had been amended. I know in conversation with Ron that he was very pleased with the amendments that we made and—

*Interjections.*

**The Acting Speaker:** Will the member please take her seat for a moment. I would ask the members of the House to please come to order so I can hear the member for Guelph–Wellington.

I return to the member for Guelph–Wellington.

**Mrs. Sandals:** With respect to the comments of the member for Timmins–James Bay, I think he is quite correct in recognizing that when we look at water systems in a number of our municipalities, there certainly is some aging infrastructure and there are some difficulties there. In fact, one might argue that part of the problem in many communities is that water infrastructure, both clean water and sewage management, tend to be viewed as under-ground, out of sight and therefore not worth spending

money on. That, quite frankly, is part of the problem that we're dealing with.

But to put this in a bit of a context, when you look at some of the municipalities that have been keeping their infrastructure up to date, that have been looking at water protection—let me give you some samples. In Waterloo, it costs about 75 cents a month per user to implement the clean water source protection planning, the sort of thing we're talking about; in Oxford county, over 10 years, about a \$1.50 per month, per user. That is not out of the way to keep your drinking water safe.

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**The Acting Speaker:** Further debate?

**Mr. Tascona:** I'm very pleased to join the debate on Bill 43, and I want to start off in my comments tonight by quoting our critic for the Ministry of the Environment, Laurie Scott, the member for Haliburton–Victoria–Brock. She said, and this was recorded in the Lindsay Daily Post of September 18, 2006, “The province was running away from the responsibility of source water protection and it got caught.” We made a loud enough noise that it did get caught.

I want to quote my colleague to the right of me, John O'Toole, the member from Durham. This was in Hansard, September 12, in the social policy committee: “... and also note that this is a bill that has been drafted through amendments. There are more amendments than there is content; a 35-page bill with 226 amendments. I'm amazed how they can draft this so quickly, on the fly, on such an important thing. I'm disappointed.” And I believe that. That's correct.

There's also an article involving Toby Barrett, the MPP for the riding of Haldimand–Norfolk–Brant, which was in the Toby Barrett editorial on September 13, 2006. The headline is, “Rural Ontario Unites Against Source Water Bill.”

“In the past three years one thing has become increasingly clear: The Ontario government has never seen proposed rules or regulations or red tape it didn't like.

“Over the past week, my staff and I have been working on corrections to the province's controversial source water protection legislation.

“We believe the title—the Clean Water Act—is disingenuous.” This is out of an article I'm reading. “It will do little to clean up water supplies. Since it deals primarily with placing regulations on land within defined proximities of municipal wellheads, we propose it be titled The Municipal Source Water Act.

“For years, farmers have been society's closest allies in environmental stewardship and source water protection. Reflecting this, I trusted that the McGuinty government would have worked co-operatively with the farming community, providing the necessary assistance to prevent source water contamination.

“But after reading about the steep fines—up to \$100,000 per day—I realized Premier Dalton McGuinty sees farmers as his opponents, and unqualified to manage their own land.



"In the wake of the Walkerton water tragedy, Justice Dennis O'Connor called for changes to the Environmental Protection Act. Instead of following his advice, the McGuinty Liberals decided to strike out on their own and create a totally separate piece of legislation. This is also not needed in much of rural Ontario, as the farming community is already covered by the Nutrient Management Act.

"During public hearings, stakeholders made their objections clear. They told us Bill 43 is frightening, punitive, unworkable, unnecessary, and unjust.

"In Toronto, Norfolk Federation of Agriculture representative Vic Janulis described the Liberal plan to give bureaucrats power over farmers' livelihoods as 'frightening.' I agree.

"In Cornwall, the Dairy Farmers of Ontario echoed my belief that Bill 43 has sticks, but no carrots. According to Norma Winters, this legislation is '...overly punitive and not a positive improvement over existing legislation to improve Ontario's drinking water quality or risks.' I agree.

"One of the most scathing criticisms of the so-called Clean Water Act came from the Ontario Cattlemen's Association at the Bath hearings. Kim Sytsma put it best, saying 'You need to stop downloading onto municipalities and take ownership and responsibility over source water protection, as Justice O'Connor told you to do. So get rid of the concept of a permit official or whatever you're planning to call it. It won't work in rural Ontario.' I agree.

"Chris VanPaassen, of the tobacco board, told politicians at the Bath hearings that farmers 'are doing a great job of controlling the situation without Bill 43.' I agree.

"In Cornwall, Randy Hillier, of the Ontario Landowners Association, gave a dire assessment of the controversial source water legislation. He said, 'Bill 43 is not about clean water. It is about control, about authority. It's about injustice.' Once again, I can't help but agree.

"Through Bill 43, the McGuinty government has set the stage for conflict in the agricultural community and rural Ontario. To his detriment, Mr. McGuinty failed to calculate the degree of unity present among farmers and rural communities. And these groups don't forget.

"In the coming weeks the campaign to fix Bill 43 will be heating up. My colleagues and I proposed a series of amendments.

"Rest assured—if Mr. McGuinty doesn't allow us to fix Bill 43, the opposition caucus will be voting against it."

That was by Toby Barrett, the MPP for the riding of Haldimand-Norfolk-Brant.

Obviously, the opinion from rural Ontario and the opinion generated from the hearings is that the government really didn't want to hear anything from the opposition, didn't want to hear anything from rural Ontario. Yet they came out with a lot of amendments. There's no doubt about it; they amended a lot of things.

*Interjection.*

**Mr. Tascona:** I'm the member from Barrie. It's not "buddy." Thanks very much.

I'll tell you right now, looking at this bill—and I'm reading it very closely. I want to comment on the expropriation part of the bill. This is where a lot of people have difficulty with this bill: with respect to expropriation and the possibility of expropriation without compensation.

Many presenters at the hearings cited this portion of the bill as very troubling. The Ontario PC caucus put forward a number of amendments that would strike any possibility of such a thing occurring, and the Liberals voted them down in the hearings. Many stakeholders remain very concerned about the implications of such sections as 83 and 88.

I'm going to read section 83, entitled "Expropriation," for the Liberal government here, because I doubt very much that any of them have read the bill. This section says, "A municipality or source protection authority may, for the purpose of implementing a source protection plan, acquire by purchase, lease or otherwise, or, subject to the Expropriations Act, without the consent of the owner, enter upon, take and expropriate and hold any land or interest in land."

The difficulty with this is looking at it from the point of view of implementing a source water protection plan, which is the responsibility of the municipality and the local conservation authority. Also, in doing that, the municipalities have been given the unbridled authority to implement bylaws to do just what they need to do with respect to that particular requirement under the act. I'll deal with that a little bit later.

I think everybody can understand "acquire by purchase"—that's purchasing the land—"lease"—that's leasing the land, compensation for that. But what's troubling here is "or otherwise." That terminology is vague; there's no definition and there really is no meaning. "Or otherwise" is about as broad a discretion as you could possibly have, which could mean no compensation in terms of taking over the property. There's also "or, subject to the Expropriations Act, without the consent of the owner..."

Under this bill, they can go in there without even relying on the Expropriations Act. When you go on to section 88, the limitations on remedies and the barring of any action being taken against the government or the officials involved in implementing the source water protection area, it says, "(6) Nothing done or not done in accordance with this act or the regulations, other than an expropriation under section 83,"—which I just read—"constitutes an expropriation or injurious affection for the purposes of the Expropriations Act or otherwise at law." What that means is that if you want to take action against somebody who has taken your property without compensation, you can't. That's what it says. That's what is troubling to a lot of people out there who believe in property rights in this province, who have seen their property taken away through the greenbelt legislation, with no opportunity to deal with their own property. The



greenbelt legislation essentially took away people's property rights in the most arbitrary way you could possibly do.

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Now we have the source water protection, which allows municipalities unbridled authority to pass bylaws as they deem fit to deal with the principles of this act, allowing them not only to change the bylaws, which obviously would affect your property rights in terms of changing it from a particular designated type of property for zoning to making it environmentally protected, but to do it without even compensating you for those changes. If they decide they want to take the land, they can do that and give you nothing.

I don't know where we are. I don't know whether we're in Communist Russia or over in Communist Eastern Europe. Those are the things that used to happen in those areas in the 1940s and 1950s, when the government came in and said, "We're taking over your farm. We're taking over your property. Like it or leave it." That's not what this country is about. This country is about people having the opportunity to own and to have control over their land, not having the government take over their land and rezone it without any input and take over their property without any compensation.

What are we coming to in this country with respect to this type of action by the government? I don't think we're coming to much in terms of accomplishing anything with respect to balancing people's rights to own property and the public interest in terms of trying to deal with a situation. Obviously, everybody believes we need to have clean water. Nobody's against that. But we're saying, don't put out a piece of legislation that strips people of their property rights and allows you to rezone it, allows you to take the land without compensation and walk away and say, "We can do this because we're the government. We can do this. Don't try to sue us, because you can't." That's basically what this bill is about.

This government likes to intimidate. They like to litigate. They like to get in your face with respect to dealing with rights in this province. They like to get in your face, they like to litigate, they like to take the people to court, because that's the way they are. That's the way they are. They like to take away your rights and see if you're going to stand up to them. Well, people are standing up to them, because they don't like this bill. They don't like to be pushed around in terms of their rights. It's not the government's right to take away people's property and not compensate them for what they're entitled to.

The other side believes that's the way to do business in this province. I can tell you, that isn't the way we do things in this province. Nobody agrees with taking away people's property rights. What they do believe in is making changes that will protect the public, but not by saying, "We don't care what the public wants. We're going to do what we want and you're going to like it." Well, not a lot of people are liking this bill in the way they've cavalierly gone over them and said, "We're going to do this." It's downloading in the extreme. They're

making sure the municipalities are responsible for the environment within their community without giving them any funding, making sure the local conservation authorities are out there doing their job not only with respect to setting up the source water protection area but also making sure they're going to monitor it and enforce it, but with no money—nothing.

I agree with the member from Bruce-Grey-Owen Sound when he says, yes, they're downloading the Ministry of the Environment responsibilities onto municipalities. The member from Renfrew-Nipissing-Pembroke was correct when he said this bill is going to cost local taxpayers 10 times what this government is predicting it's going to cost. They have no idea what this bill will cost local taxpayers; in fact, they don't even care. What they care about is saying, "Oh, we did something. Go talk to your municipal official." I get those letters all the time from the ministers in this government: "Go talk to your local official. They'll deal with it. It's their responsibility." It's the same thing with school boards: "Go talk to your school board. They'll deal with it. Don't come to us." They're doing really well with respect to downloading their responsibilities and making sure that there is no accountability at the provincial level, because that's what they want—no accountability—and they're good at that. Whenever they get caught with their finger in the pie, they get bitten, because everybody knows you cannot really believe what they say they're going to do.

What is this about? This is an embarrassment in terms of a legislative procedure. They came forth with the bill, and then they went to committee, and then they came out with 226 amendments, and they didn't support even one amendment from the opposition. To me, that means the legal penmanship in terms of drafting this bill was either poorly done—which I don't believe, because I think they have very good drafters over at the Attorney General's office. I've used them. They're very intelligent people. They know what they're doing.

This government didn't think through the bill. They have still not thought through the bill, because there are still so many flaws in this bill. They can say, "No, we'll pass the Clean Water Act. Live with it. We'll see how it works." Well, that's not the way to run government. This government has no vision in terms of where they want to take this province.

This is not a bill that anyone should be proud of. Let's face it, we should be able to do better. They didn't even implement the recommendations of Dennis O'Connor's report. That's how good this bill is. They don't even want to do that. They basically want to say, "Well, we've solved the problem. We've pushed it off to municipalities. Go talk to your municipal official or your local conservation authority, because they're the ones who are going to do it. Don't blame us for changing the bylaw to strip you of your land rights. Don't blame us because they took your land from you and didn't give you a nickel. Don't blame us. It's all in the best interests of the province. We did the right job. We passed the buck and gave it all to the municipalities to do. So if your water



charges are going through the roof, don't look at us. It's the municipalities. We didn't have to give them any money. It's their job to make sure the water is clean. It's their job to make sure that they set the right prices for the water you drink. The province doesn't have to do anything." Well, if that isn't a lack of leadership, a lack of vision, a lack of the way to do things in this province, I don't know what is. This bill is a disgrace.

They took two years to get this bill into place. I've been dealing with my mortgage fraud bill. For three years-plus, they've done nothing with respect to that. People are losing their property rights through that. This government has no respect for property rights in this province, not one bit.

So what are we doing here tonight? We're into debate of this bill. The government wants to run it through. We're speaking here tonight. I don't think they're very happy that I'm still speaking. They would like to have this thing run right through. They don't want to hear anyone in the opposition. They want this bill through.

I can remember the House leader talking about democracy in the House; it was nice to hear him talk about that. I guess when you're in the opposition, you're all for democracy, but now that you're on the other side of the benches, what happened to democracy? You're going to time-allocate this bill. You know you will. It lets you shove it down our throats, and that's what you want to do.

Yes, we're speaking here tonight. The House leader is not too happy and the other side is not too happy either. That's too bad. We're here and we have a job to do. This isn't a dictatorship. You can take people's property away because you're acting like a dictatorship—take it away, rezone it, not give anybody money for their property. You can just do that because you're the government and because you're right. It's so right to be Liberal in this province. You can do anything you want in the name of the public interest, and everybody knows what that means: They know it's a joke. We need a government with vision, we need a government that cares and a government that wants to solve the problems that have to be solved. This bill will not do it.

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**The Acting Speaker:** Questions and comments?

**Mr. Rosario Marchese (Trinity-Spadina):** I have to say this. While I do not agree with the political proclivities of the Conservative Party, the member from Barrie-Simcoe-Bradford raises some good questions about farmers and landowners, and I have to say that the Environmental Commissioner of Ontario on page 25 raises some interesting questions vis-à-vis farmers and landowners. He says the Ministry of the Environment "has proposed allowing municipalities to impose site-specific permits on farm operations, based on scientific risk assessments, to protect vulnerable drinking water source areas while still allowing farming in those areas. Farmers' concerns include adequate representation of agriculture interests and other landowners and industries on local source protection committees, the interaction

between source protection and nutrient management programs, and the potential restrictions on farmers' land use."

The Environmental Commissioner is a strong environmentalist. He raises good questions on this, including other points which I will make in my own remarks in approximately eight minutes or so. But I wanted to read for the record what he has to say about farmers and landowners. He raises good questions.

Like municipalities, farmers are concerned about the costs imposed by the source protection plan on affected landowners and would like to see a fund to offset new costs of compliance. They raise good points. This should be taken into account. I don't agree with what my good buddy Joe, the member from Barrie-Simcoe-Bradford, was getting at, in terms of property rights, but the questions raised by the Environmental Commissioner are important to keep in mind, and the questions I raised about how you offset new costs from compliance are serious enough to take into account.

**Mr. John Wilkinson (Perth-Middlesex):** My, how the worm turns in the place. Here, we just had the member for Barrie-Simcoe-Bradford explain to us, as only a trained lawyer could, that an expropriation is an expropriation unless, of course, it isn't an expropriation. That's because we have the Expropriations Act.

What I find really interesting about this is he quotes subsection 88(6) as he goes on, and I distinctly remember, in the history of this place, a member opposite of the previous government voting for the Nutrient Management Act and the Oak Ridges Moraine Conservation Act that dealt with that very issue. I didn't hear him—I checked Hansard—and I didn't see him jump up on his hind feet right then and say, "Oh, yes, this is important."

This bill deals with a very simple fact. I want to talk to the people at home. If you own property and there has been a lengthy assessment, and at your property there is a significant threat to your drinking water and the drinking water of your neighbours, the McGuinty government actually believes, because we listened to Justice O'Connor, that action has to be taken. How unreasonable is that?

We've had people come to us and say, "Listen, you've drafted that bill and it needs work." The opposition can come in and say either, "You got the bill wrong and you should amend it," or "You should never have amended it." But they've come in to say the bill was wrong because we didn't listen to people and we needed to amend it. And then of course we amended it and they said, "Now you're wrong because you amended the bill."

Listen: It's one or the other, boys over there. You've got to pick a lane. I know you have Mr. Tory, and he's great at straddling down the middle of the road, right on the dotted white line there, but you've got to pick a lane in this business, you've got to decide: Are you for this bill and the clean water or are you going to vote against it? I say to the member for Renfrew, if you think this bill is going to cost 10 times as much, it had better be in your platform that you're either going to repeal the bill or not, and then how much you're going to pay for it while



you're busy cutting taxes. We look forward to the vote on this—

**The Acting Speaker:** Questions and comments?

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** The member for Barrie–Simcoe–Bradford gave quite an impassioned rendition this evening on behalf of rural Ontario, farm Ontario and those small municipalities. All these groupings are going to have to foot the bill for this. We heard the figure presented tonight as \$7 million that will pass hands, hardly enough to accommodate the cost of this draconian legislation, something that during the hearings we were told amounted to billions of dollars.

The member made mention of the hearings. I attended the hearings in Toronto, Bath, Walkerton and Cornwall. I was so impressed with the calibre of virtually each and every presentation at those hearings. Granted, there were only five days of hearings. I noticed that the presentations that came forward were often from organizations that were involved in previous hearings conducted for the Nutrient Management Act. I chaired or co-chaired virtually all of the hearings conducted for that. We spent 18 days on that legislation and on the regulations for that legislation. Again, I regret the fact that this government did not take into consideration the kind of input they received from these hearings—hearings that had built on the presentations done previously with respect to nutrient management.

One thing that I think bothered a very large number of the presenters was the fact that, in a sense, this legislation has gone down the same road as the spills bill. It's a piece of legislation that focuses on rules and regulations and red tape, that focuses on permits and fines and negative sanctions.

**Mr. Delaney:** That was quite a rant by the member from Barrie–Simcoe–Bradford. But we're not Tories on this side; we're Liberals. We don't time-allocate these things, because they deserve some debate.

The Clean Water Act is not about litigation. But if it were, I'd probably be looking for a litigator with the vocabulary and the delivery of a chainsaw and perhaps the sweet, even-tempered disposition of a stepped-on rattlesnake. Perhaps if he were available, I might even approach the member from Barrie–Simcoe–Bradford to litigate on my behalf. But the bill is not about litigation; it's about clean water from source to tap. Bill 43 is about protecting water for our farms, for our rural municipalities and for our cities, like the city of Mississauga from which—

**Mr. Tascona:** On a point of order, Mr. Speaker: I think my friend is using hyperbole with respect to insinuation about my character as a lawyer, as a member.

**The Acting Speaker:** I'll return to the member for Mississauga West.

**Mr. Delaney:** Thank you, Speaker. Let me also say that I have nothing but respect for the character of the member from Barrie–Simcoe–Bradford, a fine member in every respect.

**Mr. Duguid:** Don't push it.

**Mr. Delaney:** All right, a fine member in most respects.

I'm from Mississauga. Bill 43 is about helping Mississauga protect its water sources. Mississauga knows that Ontario has taken the time that it needs to get this bill right. Mississauga knows that the government it elected to actually pay attention to affairs important to Mississauga got something right that's going to last for a long time.

**The Acting Speaker:** I return to the member for Barrie–Simcoe–Bradford, who has two minutes to reply.

**Mr. Tascona:** I want to thank the members from Trinity–Spadina, Perth–Middlesex, Haldimand–Norfolk–Brant and Mississauga West for their comments.

Quite frankly, the important point here with respect to Justice O'Connor's report, which has been referred to here, is that Justice O'Connor's report recognized the high cost of water protection improvements, and stated, "If the system is ... too expensive, the provincial government should make assistance available to lower the cost per household to a predetermined level."

What's he's talking about is infrastructure. He's talking about infrastructure that's needed to make sure the system works, and that's very important. It's not important about doing mapping exercises like the greenbelt and mapping exercises like we have here in the Clean Water Act. What is important to make the system work so we can have pure water, to make sure that we can have clean water in the future, is to make sure that the infrastructure is brought up to a state that it can be affordable for the householders and that the province makes sure they put the money forth that is needed.

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We do not need a system which basically is going to make sure that the municipalities are expected to go around doing bylaws and taking over the land here and there. Who is going to pay for that? Are you going to expect that a municipality is going to go out there and expropriate every piece of land without being afforded the opportunity from the province to make sure that they do it? This is a provincial responsibility, and they're basically shirking their responsibility and pushing it back down to municipalities.

The recommendations 13, 14, 15 and 16 of the O'Connor report, whether they like it or not, are not even put into this bill and not even acted on by this government, which is a broken promise again.

**The Acting Speaker:** Further debate?

**Mr. Marchese:** I'm happy to have this opportunity to speak to Bill 43, the Clean Water Act, this long-awaited source protection legislation promised by the Liberals in the 2003 election platform and promised for the last two long years, whose objective is to protect our source drinking water from contamination and destruction as called for in part two of the Walkerton inquiry.

I want to say that there are some positive things in this bill. One positive thing is the provision of a relatively public and transparent process for developing assessment reports and source water protection plans. But I am going



to leave the job of talking about the positives of this bill to the member from Perth–Middlesex, who is happy to expound on the great strengths of this bill, and I leave him to do that job, including the member from Mississauga West, who is here tonight to also entertain us with his positive remarks, and I'm sure others. So I'll leave that job to the Liberals.

I'm here however to speak to some of the weaknesses of the bill. We all know the importance of protecting the sources of our drinking water. But unlike the McGuinty government, we in the NDP believe that all sources of drinking water, whether in the south of the province or the north, whether the source of water is for a municipal water system or a private well, deserve protection. Unfortunately, the McGuinty government, the government of the member from Perth–Middlesex, does not share that view and has decided to only protect sources of water for municipal water systems, and only in those watersheds in the province with conservation authorities. That is one serious limitation that I wanted to mention straight off.

Secondly, Mr. Yakabuski, the member from Perth–Middlesex is saying that we need to act today, that we can't wait.

**Mr. Yakabuski:** It's Yakabuski.

**Mr. Marchese:** Did I not say that? I apologize.

The member from Perth–Middlesex says we have to act today. We can't wait for a long time to deal with this; we've got to act now. And he nods in agreement, as if to suggest that he's in agreement with me, yet this long-overdue legislation, needed yesterday, comes with a five-year implementation period—not two, not one, not three, not four, but five. We needed it yesterday and we need it today, but it can wait five long years to implement because so much in need are we to get going on this job. John, my friend from Perth–Middlesex, will explain why “now” means five long years, in the same way that my good buddy John, the member from Perth–Middlesex, said, when we introduced the bill dealing with people with disabilities, “We needed that bill today.”

**Mr. Yakabuski:** Twenty years.

**Mr. Marchese:** And for a bill that required giving people with disabilities access to services today, they have an implementation period of 20 long years, to the point that those waiting will be so infirm that waiting could mean what? Being closer to death? But the Liberals say, “No, we need it today and the implementation period is going to come,” but it will take 20 long years. And the Clean Water Act, so, so important is it, we've got to wait five long years.

Imagine what it means. Imagine what “immediate” means to Liberals. They cannot grasp the concept of immediacy—meaning now or today—that it should take so long to implement. You understand what I'm saying. You understand how language and time are such flexible things for Liberals—and for the previous Conservative government as well, I would add. But we've moved beyond the Conservative government; we're now on to

the Liberals. So we have to get hold of time under the Liberals because it is ever so long to deal with.

So such long-overdue legislation—source waters are being impacted daily and we need the source protection plans to be developed and implemented within a shorter period of time, but no, we've got to wait five years. All right.

Let's look at other problems that the government promised in 2003. But I should point out, given what I was talking about in terms of why we need to wait so long, that the work acquiring the necessary information for the source protection plan has been ongoing, and many conservation authorities already have substantial information on the affected watersheds and the activities that need to be curtailed. Given that they have such knowledge and that they've been working on these plans for so long, why not take their work and move on it quickly? They're not doing it. So we've got to wait.

Let's look at another promise the Liberals have made. In 2003 the Liberal platform made an unequivocal promise—understand that “unequivocal” means quite clear—to make those companies who benefit from exploiting our water resources, such as bottled water companies and Omya, a drywall slurry company, Leona, which happens to be in my good friend Dombrowsky's riding—that they should be required to pay a royalty on the resource, as is the case in other resource sectors. I looked high and low.

**Mr. Yakabuski:** How high?

**Mr. Marchese:** High and low.

**Mr. Yakabuski:** How low?

**Mr. Marchese:** To see if anywhere in that bill they mention that if you're going to extract water, one of the most important resources in our living lives, we would require those who profit from it to pay, I'm not saying a lot, but a little something, as a way of saying, “They're making billions of dollars taking the water that belongs to the people. They should pay just a small, little amount of money.”

**Mr. Yakabuski:** A token amount.

**Mr. Marchese:** I'm not saying much, a little bit, to take that water, that precious, clean water, out from the aquifers down there. They put it into these little bottles—eh, Dave?—and they charge you a buck. And depending where you are, it could be more—two bucks—for a little bottle of clean water taken from the aquifers. They sell it to you for a buck or two, and they take it out for free. Based on the Liberal promise, they should force them to pay just a little bit—not asking for much—to be able to pay for some of these costs that people will incur to enforce this bill. Would that be helpful? Do you think keeping a promise is important?

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**Mr. Yakabuski:** Absolutely.

**Mr. Marchese:** And do you believe that if you made that promise to charge royalties on the water you take, maybe they should keep it?

**Mr. Yakabuski:** Rosie, if you make a promise, you keep a promise.



**Mr. Marchese:** Mr. Yakabuski, why wouldn't they implement such a simple promise? Why wouldn't they? I tell you, good citizens—and I'm not talking to taxpayers; I'm talking to citizens here—why would you commodify water? It's something that is desperately needed by human beings to live, and you commodify it, i.e., selling it. I've got a problem with that.

But let's just say I have no control over this because I'm in opposition, third party, and I don't have any power to control this, and the government says, "Yeah, okay. You can take the water out." But the Liberals come forth and say, before 2003, "We're going to make sure they pay." Then they introduce this bill, the water bill, not the Safe Drinking Water Act but the Clean Water Act, and do not include one little line, one little short line; it doesn't have to be long.

I wonder whether the member from Mississauga West, who spoke earlier, and the member from Perth-Middlesex, who spoke earlier, agree with me on this. I'm not saying, "Talk about your promise," because I know how much you hate to be reminded of the countless promises you have made, promises such as the one the McGuinty government broke: the failure to stop the development of a 6,600-unit subdivision slated for development on the Oak Ridges moraine, the same moraine that is crucial to the protection of the headwaters of 35 GTA river systems, many flowing into Lake Ontario. I'm not even talking about that promise. I'm not even saying that you have to keep your promise. Let's just say I'm not even interested in that.

**Mr. Yakabuski:** I think it's important.

**Mr. Marchese:** I know. But I was just thinking of one little short line in the bill that would say, "Okay, we're going to make those companies pay a little bit."

If Jim Bradley were there as the Minister of the Environment, he would keep that promise. If he were there, he would keep that promise. But do you think they would make him the Minister of the Environment? No, they made somebody else the Minister of the Environment so that they wouldn't have to keep that promise. He was a good Minister of the Environment when he was in the former government—he was good then—but now he is out of the loop, so to speak. They don't listen to him. But if he were there, he would have forced the Liberal government to say, "We've got to keep this promise." And you would think the Liberals would learn from people like me, because I remember saying to Bob Rae on the whole issue of the auto insurance plan, "We can't break that promise. We promised we would make it public, and we would be breaking a promise that our members would crucify us for, should we not keep it."

And he didn't listen to me. Hopefully other Liberals will listen to him, should he become the Prime Minister of the country, but he didn't take my advice. That was one of the most crucial promises to have kept. So when the Liberals break their promises and say, "Ah, but what about you? You broke this and that," and I say, "Yes"—

**Mr. Yakabuski:** I guess that's why he supported Bob Rae as leader now.

**Mr. Marchese:** Not Jim, no. There are a few others, like Greg Sorbara, who are supporting Bob, and the Minister of Health, but Jim is a bit uncertain as to what he might do in that regard.

I say to the Liberals, don't you remember that when you break promises, as New Democrats did, as we did on the auto insurance pact, you're going to get hurt and crucified. We could never free ourselves from that broken promise, and you would think Liberals would have learned their lesson from us. Now, 10, 12 years later they break so many, not just one or two. Good God, I can't even count them. They're too long. You need a speech unto itself—unto itself—to talk about broken promises, they made so many. And every time you talk about broken promises, McGuinty says, "Oh, please, why do you remind us about that? Can't we talk now about our successes and move on? Let us subsume the promises under our presumed successes." He thinks that by subsuming them, people will have forgotten. People don't forget, John. People don't forget your broken promises, so stuck to you that you can't pull. What is that, when you go to the beach and you have those slugs that stick on your body?

**Mr. Yakabuski:** Leeches. Bloodsuckers.

**Mr. Marchese:** Bloodsuckers; even better. Those broken promises stick to your body like bloodsuckers. When you try to pull them off, you get so scared to pull them off. It's a scary thing, right? But eventually you do, and you've got to use pliers to squeeze the blood out of those bloodsuckers. But when you squeeze that blood-sucker or burn it—

**Mr. Yakabuski:** Salt.

**Mr. Marchese:** Salt might work.

**Mr. Yakabuski:** But there isn't enough salt in Windsor to get rid of all their broken promises, their leeches.

**Mr. Marchese:** You think? Good God, so much salt they need. Then what else do we have? We have this government that says we have to decentralize control over the implementation, monitoring and enforcement of the source protection plan, and they say that's okay. Understand this: Municipalities are broke. Well, my good buddy, John, comes from that Stratford area; beautiful area. He says that's okay, because he's in good touch with the municipalities. They're friends and they're like this. Not like leeches, but hand in hand.

**Ms. Lisa MacLeod (Nepean-Carleton):** Like blood-suckers.

**Mr. Marchese:** From one bloodsucker to another kind of thing? He thinks that they will bite the bullet and just do it. It's costly; understand that this is costly. That's why I wanted them to keep their promise on charging a water fee for taking water out of our aquifers. They haven't even done that. They're broke. They don't want to increase taxes because, God knows, the Tories would beat them up, day in and day out, as the tax-increase party, remember? The party that says, "We're not going to increase taxes, but increase your services." Then they've got, "We're going to increase your taxes." Re-



member the premium? Uh, not a premium; it's a tax. Do you remember that?

**Mr. Yakabuski:** Did you see the size of that leech?

**Mr. Marchese:** Oh, biggie, biggie, biggie. You need lots of salt for that one.

**Mr. Bruce Crozier (Essex):** What's your point?

**Mr. Marchese:** My point—my good buddy Bruce has joined us.

**Mr. Yakabuski:** He just woke up. He must have just woken up.

**Mr. Marchese:** No. Bruce Crozier from Essex is here with us and I like him. I particularly like him in the Chair, because he looks good. He's got that nice bow tie and he looks really sharp. But you can't wear it there. You should, you know, because you look really sharp. You really do. It's impressive.

**Mr. Yakabuski:** I've got to get myself one of those, Rosie. Wouldn't it look great on me?

**Mr. Marchese:** No, it looks good on Bruce. I wouldn't recommend it.

**Mr. Yakabuski:** What's the problem?

**Mr. Marchese:** It just doesn't look so good. But can we talk about the Clean Water Act?

So I was saying, my good friend Bruce Crozier from Essex, that you and your buddies are decentralizing control over the implementation, monitoring and enforcement of the source protection plan onto the backs of the municipalities, who are broke. Understand that they have to pay for a whole lot of responsibilities, like public housing—Bruce, do you agree?—from the property tax base. They're paying for welfare in a lot of municipalities. You understand. You probably say that it's not right. It's not fair. It shouldn't happen. So the property tax system is a bit broken and it's hurting a whole lot of people. The property values introduced by the Conservative government, kept by the Liberals because they don't know quite what to do, are jacking up the property taxes of every homeowner across the land. They're so pummelled and whacked by the property tax increases that they can't take any more. So John, my friend from Middlesex, is saying, "That's okay. Too bad, so sad." Someone's got to pay, and it can't be the Liberal government that pays for this; no, no, no. The municipalities will have to pay. Where do they get the money from? The property taxpayer, the property taxpayer who's getting whacked day in and day out ever since—sorry—those guys introduced that current value system, and it's kept by the Libs. How can municipalities afford the cost of implementation, monitoring and enforcement of the source protection plan? They can't. That's why municipalities are worried. That's why farmers are worried, because it will involve costs for the farmers. The farmers, quite rightly, are saying, "We are worried about our inability to pay for this," and they're looking for a fund to offset new costs of compliance, which is reasonable.

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**Mr. Wilkinson:** Right.

**Mr. Marchese:** John, my friend from Perth—Middlesex, says, "Right," and he's right that I'm right. But he

has nothing in this bill that says that we're going to create that fund to help farmers, that we're going to create a fund to help municipalities.

*Interjection.*

**Mr. Marchese:** You were probably on municipal council, weren't you? You know they're worried about this.

The Environmental Commissioner has a lot of concerns and questions that need to be answered:

"Protecting waters beyond conservation authorities' boundaries: Bill 43 proposes to allow, but not require, the Minister of the Environment to make an agreement that municipalities prepare source protection plans...."

"Appeals process: The proposed approach to source protection planning requires public consultation, but limits rights to appeal...."

"Interim protection from significant threats...."

"Planning from best available data...."

I will try to do that in my two-minute response. There are a lot of concerns—pages 24 and 25—raised by the Environmental Commissioner, concerns we have raised here on the record, which I'm hoping that the two illustrious Liberals members from Perth—Middlesex will address in the next two minutes.

**The Acting Speaker:** Questions and comments?

**Mr. Levac:** I've always enjoyed listening to the member from Trinity—Spadina and the challenges that he leaves before us in the House. I want to take him up on a couple of the challenges.

The first one was the discussion he was having about the areas that the commissioner spoke of outside of the conservation authorities. I want to bring him back into the conservation authorities for a moment, to talk about the one in my riding, the Brant conservation authority. What people need to know about this conservation authority is that it has on its payroll some of the most expert people in the entire world when it comes to water and source water protection, and understanding how the river flows. The Grand River Conservation Authority actually sets some of the standards that are being applied right now, which the commissioner actually mentioned in his report. I think if he read the report through—sorry, not this one, but Justice O'Connor's report—it mentioned the Grand River Conservation Authority for its fine work on source water protection. The consistency around conservation authorities seems to be the problem; that is, understanding that we have to shore that up to make sure that all of the conservation authorities are dealing with source water protection.

They're fully in support of what the bill is trying to do. As a matter of fact, what they wanted me to relay to the House is that they're more than willing to take up the mantle of spreading the good word of what they do across the province. They were some of the first to have fences put up along the streams and the creeks inside of the water basin. They understood that. What the commissioner was talking about as well is taking those examples and using them as an application outside of those areas,



and I think that's something that could be wisely adapted—taking up the challenge for all of us to do that.

One of the things that seems to be difficult to understand is that one piece of legislation does not mean it's the end of the discussion that we're going to have on water protection. There is going to be a continuation, and I hope we can start dealing with the one that he talked about, which is permits for taking water. I'd love to get into that with him the next time around.

**Ms. MacLeod:** I really appreciated the presentation today by my friend from Trinity–Spadina. I was very impressed that he was able to bring out some very key components that I have opposed in this bill: the lack of consultation, the lack of respect for our taxpayers, our municipalities, our farmers, our landowners and our rural community.

I'm going to read a couple of quotes, and they're going to make my point by the end of this. I'm going to read a quote here from Chris VanPaassen of the Ontario tobacco board. He told politicians at the Bath hearings that farmers are doing a great job of controlling the situation about Bill 43. In Cornwall—this one is my favourite—Randy Hillier of the Ontario Landowners Association gave a dire assessment of the controversial source water legislation. He said, "Bill 43 is not about clean water. It is about control, about authority. It's about injustice."

They just made my point, because one thing this government has been unable to do is respect the people of Ontario. My parents taught me well. They taught me that you respect, not necessarily accept, people's points of view. You went across Ontario. You decided not to listen to the people of Ontario. Instead, you sit here and you mock them. You mock the very people whom you went out to consult, after we forced you to consult with them, because you refused to listen to the people of Ontario. We brought forward over 200 amendments, 100 of which were from this side of the Legislature, and you refused to implement any of them. Because what you can do is sit there, and whether it's Randy Hillier or any other stakeholder out there who doesn't get bought off by you or who doesn't listen to you, you mock them in this Legislature. This place is not for that; this place is actually to respect the people of Ontario.

#### *Interjections.*

**The Acting Speaker:** I would ask the government members to please come to order and allow the member for Nepean–Carleton to finish her comments. I return to the member.

**Ms. MacLeod:** Thank you, Mr. Speaker. I want to close on this, and they should learn this: You must respect, not necessarily accept, other people's points of view. You should learn that in the next year, before you go back to the electorate.

**Mr. Wilkinson:** I think if you were going to show respect for people, what you would do is take a bill out to committee, you would listen for five days and you would hear a very tough message repeated over and over again, and what you'd do is amend the bill.

I say again to the members opposite, you've got to pick a lane on this bill. You can't be criticizing us for somehow having a bill that didn't respond to people if we introduced and passed a hundred amendments. We listened.

I say to the member from Trinity–Spadina, it's exactly the fact that we have the Ontario drinking water stewardship fund that all three parties allowed the minister to come in, all three parties commented positively at the time. We did that, and that was because of the feedback that we got from people.

What I find amazing as I enter into this debate is the fact that we have parties opposite that are on the horns of a dilemma: Will they vote for the Clean Water Act, yes or no? We all campaigned on O'Connor and I think we all said we were going to do source water protection, and the vote is coming.

My friend from Renfrew–Nipissing–Pembroke said, "We're going to vote against the bill. If we form government, we're going to"—I said, "Are you going the repeal it?" No, they're going to amend it. He said—and he said this quite honestly—he believes it's \$7 billion. I'll be interested to see that in the platform of Mr. Tory, that he's going to find \$7 billion. Because as the member from Barrie said, "Oh, no, all of this should be paid by the province."

I say to the member for Trinity–Spadina, people pay their property taxes, but they also pay for water. It's not free. I pay a fee for the water that comes into my house. In the county of Oxford, those good people are paying about \$1.50 more per month just to make sure that the sources of their water are clean, because they listened to Justice O'Connor. That's the cheapest way. They don't want to have a disaster. They want to spend some of the money up front to keep the sources of their water clean, and there are people in this House who are going to vote against it. I am sure that this will be something that all will want to know about in the next election.

**Mr. Yakabuski:** Going back a little bit to where the member for Barrie–Simcoe–Bradford had spoken, what it amounts to in this bill is expropriation without any compensation, and that is what people in this province cannot accept. Fair-minded people accept and believe that if you're taking something away from someone that was theirs because you have changed the rules of the game, you are going to compensate them for it.

The member for Trinity–Spadina, who is certainly one of the most entertaining speakers in this House—

**Mr. O'Toole:** The most informed speaker.

**Mr. Yakabuski:** —and informed—talked about the cost to municipalities. Municipalities in this province, as a result of the failure by this government to address funding issues—and now they're going to just put it on the back burner for 18 months—are suffering significant financial hardship. They are very, very worried that they are not going to be in a position to implement the edicts of this bill and the requirements of this bill, because they are already going to the taxpayer, as my friend from Trinity–Spadina said, and the municipal taxpayer feels



like he's got the leeches and the bloodsuckers attached to him just sucking every little bit that's left in there. I mentioned to the member from Trinity-Spadina that one way of removing those is to put salt on them. Another certain way is that the leech will fall off by itself once there's no more blood left. And these Liberals would like for the taxpayer of Ontario to lose those leeches on their own because there is simply nothing left for the taxpayer to give. For God's sake, recognize that on the other side of this House.

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**The Acting Speaker:** That concludes the time available for questions and comments. I return to the member for Trinity-Spadina for his two minutes' reply.

**Mr. Marchese:** I'm always interested to listen to the member from Perth-Middlesex. He raised a couple of points. He talked about all the amendments that were made. I would remind him that the NDP introduced 72 amendments—only two were taken up. The member from Perth-Middlesex says: "We made changes. We listened." I don't know who he was listening to, but when New Democrats introduce 72 and you only take up two, we wonder how selective you are in what you accept.

*Remarks in Italian.*

He says people pay for water that gets to their homes, and he says water is not free. I agree with John. Why is it that he has not kept the promise to charge a fee to those corporations that suck out the water from the aquifers for free and sell it back to the consumer for a buck—the little one—or two, depending on the circumstances? John says the homeowner's got to pay; it ain't free. But the corporations that suck out the water from the earth don't got to pay even though they take it out for free. Something is wrong with that. Something is wrong when to implement this legislation takes five years if we have to act now, not earlier. Something is wrong when we have to decentralize control over the implementation, monitoring and enforcement of the source protection plan on to the backs of the municipalities, which means the property tax owner and others, and they don't have the ability to pay. I raise serious questions, such as, the government does not share our view and has decided only to protect sources of water for municipal water systems and only in those watersheds in the province with conservation authorities. We need to do a lot more to make this bill a lot better.

**The Acting Speaker:** I wish to inform the House that from this point on with respect to this bill, speeches will be 10 minutes in duration. Further debate?

**Mr. Barrett:** I appreciate the opportunity to weigh in on Bill 43, the Clean Water Act. You would know, Speaker, that this Legislature is often marred by negativity and generally bad behaviour, primarily from the government side. So I'd like to start my remarks with a bit of a positive note. I issue a compliment to this government's spin doctors for a very clever name they have given Bill 43. They call it the Clean Water Act. They have disguised this bill as something that will somehow clean up our water supplies. Now, this is something that

the stakeholders who attended the hearings indicated would be unlikely at best.

Despite my compliments to the Liberal spin doctors opposite for this clever title for their proposed piece of legislation, we do have to recognize that it is somewhat disingenuous. From our side, in the name of honesty, we really felt it should have been called the Municipal Source Water Protection Act; in fact, that was one of our amendments. It was one of 240 amendments that were shepherded through by our environment critic, Laurie Scott, and the member from Durham, John O'Toole.

I do want to be clear: I support clean water. I support source water protection. The entire opposition caucus supports clean water. Who doesn't? Who doesn't support clean water? In fact, the Liberals opposite, those across the way, would support clean water. But what I'm putting forward tonight is that this proposed bill will do very little, if anything, to clean up our water supplies, and in my view it really represents a missed opportunity.

I was hoping the government would have proposed some more effective measures, some positive sanctions, if you will, some measures in the realm of education and information programs. Tax incentives or grants often-times are very effective ways of influencing people's behaviour—low-interest loans, for example—the kinds of things that were recommended when we debated the spills bill. In fact, the Minister of the Environment of the day had an advisory committee, and the minister's advisory committee recommended some of those things that I just mentioned: low-interest loans, grants, positive incentives, to rely more on education and information rather than using the heavy stick, to rely a bit more on positive incentives to encourage people to make investments in cleaning up the sources of our supply of water. Well, that was another minister of another era. That legislation passed, with not nearly as many amendments as this one, probably half the number of amendments for that spills bill. It is regrettable that the advisory committee for the minister of the day was ignored.

It's very simple. Honey is sweeter than vinegar and carrots really can be much more effective than sticks. Instead, the Liberals loaded Bill 43 with sticks, forgot about the carrots, forgot about the honey, and here we have it.

During second reading debate, I proposed a litmus test to evaluate legislation like this. I'll state it again. First of all, we need to ask whether the proposed legislation will accomplish its stated intentions. This government needs to clearly say what they hope to achieve in the legislation and should cost-effectively and efficiently work towards that goal. A second test: All of us in this Legislature need to ask whether this proposed legislation represents the fairest possible approach to stakeholders. We heard from stakeholders as we travelled the province, in Walkerton, Toronto, Cornwall, Bath and in Peterborough. I did not attend the hearings in Peterborough. Is it the fairest approach to those landowners, those farmers, the small municipalities, representatives of rural—



**Mr. O'Toole:** On a point of order, Mr. Speaker: I wonder if a quorum is present.

**The Acting Speaker:** I would like to ask the table staff to determine if a quorum is present.

**The Deputy Clerk (Ms. Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**The Deputy Clerk:** A quorum is now present, Speaker.

**The Acting Speaker:** Thank you very much. I'll return to the member for Haldimand-Norfolk-Brant.

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**Mr. Barrett:** As I was saying, I'm very concerned. If this proposed legislation were to fail either one or both of these tests, where do we go from here? Obviously, legislation like this, which cannot measure up to the mark, should be scrapped or, at minimum, repaired before it is passed. We had some hope, with the advent of well over 200 amendments, but regrettably, there were some very key amendments that didn't go forward. Through the debate and through that brief week of public hearings, stakeholders made it very clear that this legislation did fail on both tests.

Let's deconstruct Bill 43. Let's contrast its actual content with what the Liberals promised. We all know that the promise was there, the promise of clean water. But in terms of content, Bill 43 is simple. It's all about rules and regulations and red tape. It's all about enforcement, penalties and permits, a constellation of negative sanctions. It's about Dalton McGuinty coming onto your land uninvited, ticket book in hand, big stick in the other, and laying down the law.

During those hearings, the proposed legislation was referred to in a number of ways. It was called "expropriation without compensation," and we have certainly heard that argument this evening. It's been called "the perfect storm of injustice." And it has been called "just another attempt by the McGuinty government to infringe on the rights of landowners, farmers and all of rural Ontario."

Bill 43 will not achieve what has been promised by Premier McGuinty. It essentially sets the stage for yet another McGuinty broken promise. Last week, as many in this House will know, the broken promise total was somewhere around 50, but in reality I feel it's much higher. Maybe that's why the Liberals last week voted against the resolution brought forward during the opposition day. Perhaps the members opposite knew there were more than 50 promises and didn't want the official record to stay at 50.

In my riding of Haldimand-Norfolk-Brant, and I think this goes for much of rural Ontario, farmers and rural landowners are very angry about this particular piece of legislation. They're angry about the lack of consultation. They're angry that there were five days of hearings. They remember the 18 days of hearings made available to people across the province during the deliberations around nutrient management.

The second thing people are angry about is the punitive nature of this bill. The hearings for source water

protection became a lightning rod of dissent against this McGuinty government. It was a symptom, in my view, of a broader disconnect between the Premier of today and the people in this province, a disconnect between this Liberal government and people who live across rural Ontario.

Going back to nutrient management, I mentioned the 18 days of hearings. I travelled the province on all 18 days. It was an opportunity for farmers, municipalities and stakeholders to present some key input. The calibre of presentations I felt was very significant during the mere five days of these hearings, but we saw a government that appeared to show no semblance of concern or no awareness, really, of what was coming through at the witness table. They did not seem to be listening to the opinions, what I considered the quite valued and honest input from people who came forward. I would suggest, with respect to this particular government, that it uses honesty in consultation much like doctors use salt: sparingly.

**The Acting Speaker:** Questions and comments?

**Mr. Marchese:** The member from Haldimand-Norfolk-Brant says we should scrap this bill. I have to say I don't agree with scrapping the bill. I agree with making it better, more responsive. When the farmers are concerned about the costs imposed by the source protection plan on themselves or affected landowners and they say there should be a fund to offset new costs of compliance, it's a reasonable request. So we can make the bill better.

When we look at implementation and they say it should be a five-year implementation period, I say that's wrong. If we believe we should act now, then the implementation period can be reduced from five to a shorter period of time. We know that to implement and to monitor—

*Interjections.*

**Mr. Marchese:** Speaker, there are people yapping here. It's so hard to speak.

When we know that it's costly to implement and to monitor and to enforce, and that the money has to come from somewhere, we say to the Liberals, keep your promise by making sure that those corporations that suck out the water for free and sell it for a lot—they should charge a royalty on that free water they take from the ground. That was a Liberal promise, and they do not keep it. We say it's wrong. We say to them, keep your promise and make this bill better. We say municipalities are cash-strapped. So when you say, "We're going to decentralize control over the implementation, monitoring and enforcement of the source protection plan onto them," which means onto the backs of property owners, we say it's wrong. The bill can be improved. When we say this proposed approach to source protection planning requires public consultation but limits the rights to appeal, it's wrong. It can be improved, and it must.

**Mr. Wilkinson:** I say to my friend from Trinity-Spadina, it's five years and \$120 million of uploaded responsibility by the province to do the science. For the



Clean Water Act to work, people have to agree on the science, and that's what's being done right now.

I know that the member wants to talk about the permit to take water, but I distinctly remember some other colleagues in your party saying that we would never pass the spills bill. Someone would eat their hat—they're not here anymore—had we passed that. And I say, on the permit to take water, we're not done our mandate yet.

I say to my friend from Haldimand–Norfolk–Brant, again, you have to pick a lane on this thing, Toby. You have to pick a lane on this. You know, as I do, because we sat through those committee hearings and we did those amendments, that references to permit officials have been expunged from the bill and replaced by risk management. So to say that there are people running around giving permits—I know, and perhaps you have forgotten, that that is something we did; the fact that we've had mandatory training in biosecurity; the fact, and really the key thing, that we created the Ontario drinking water stewardship fund.

I know that the OFA, OFAC, the Association of Municipalities of Ontario and Conservation Ontario all said to us that we listened over those five days of committee hearings and acted with amendments to improve the bill. So you have to pick a lane: You're either for the bill or you're against it. If you're against it because you can't remember that we amended it, we'll let the record show that. If you are against it because I believe you committed Mr. Tory and your party to scrapping the bill—I'm still trying to get it. Is the position of both opposition parties to scrap the bill?

I know Mr. Marchese believes that there is some suspension of democratic rights, and now, at third reading this bill is somehow going to be changed. I know he has much more experience than I, but that is not going to be the case. There are some who say, "This bill is not the whole loaf, and I won't pay for it," but we will all stand and be held to account for this bill. You're either for it or agin it, and we're looking forward to the vote.

**The Acting Speaker:** Questions and comments? The member for Durham is up first.

**Mr. O'Toole:** The member from Renfrew–Nipissing–Pembroke has had one comment tonight, and I apologize if I exceeded his—but I do want to get up and recognize the member from Trinity–Spadina. A lot of what he said is true. In the consultation process, if what you're hearing is not exactly to your satisfaction, then tell them some more information. In fact, I recalled it was going so poorly that they had to call in many of the stakeholder groups. I think the Ontario Federation of Agriculture was the main one. Ron Bonnett was called in. They kind of promised about \$7 million to get this thing to go through. I think they gave Ron a pre-scripted quote to endorse Bill 43, because his original position was categorically opposed.

The hearings that they had—it was almost tragic. There were protestations at almost every hearing. I attended them. To my understanding of it—and Mr. Yakubuski from Renfrew–Nipissing–Pembroke attended

those along with our critic, Laurie Scott—we could categorically say there were more amendments to this bill than there was substance to it. In fact, they acquiesced so badly that I think the only remedy of escape is to do as the member from Haldimand–Norfolk–Brant is suggesting: to have further hearings. This bill is at best flawed and at worst completely imperfect. We, the Tory opposition here in this Legislature, support the goal of safe, clean drinking water. What we oppose adamantly is the process itself, the obfuscation of parliamentary process and the process of listening to the people of Ontario. I think the member from Trinity–Spadina and his colleague Mr. Tabuns, who was the critic at that time, did a wonderful job. We ourselves, Laurie Scott and our Tory caucus—

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**The Acting Speaker:** Thank you. Questions and comments?

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** I'm delighted to have an opportunity to make a comment on the member from Haldimand–Norfolk–Brant's words to us this evening.

But I have to say it's very interesting that the member from Durham would have the nerve to stand in his place and say the things that he did tonight, particularly when he talked about our government and our respect for government processes—this from a person who was part of a government that never took a bill to committee. We—this government—have not passed a bill into law in this House without it having first gone to committee—public hearings, the opportunity for the public to participate—and he's giving us a lecture about the process. We have gone to the people with public hearings on a very important piece of legislation, what I would say is a defining piece for this government and for the province of Ontario, to protect our drinking water. It is our commitment to fulfill the recommendations that have been made by Justice O'Connor.

I want to make a comment as well with the suggestion—I really don't know exactly what the member from Durham was trying to imply when he made a comment about the president of the OFA. I think everyone in this Legislature would agree that any individual who serves in a representative role for a provincial organization would always act in the best interests of their membership. I think it is really quite reprehensible that it might be suggested otherwise in this Legislature.

With respect to the member from Haldimand–Norfolk–Brant, I would say, sir, this government has listened. We have paid very close attention and that is why we have amended the bill, and I believe we've brought forward the best bill, for the people of Ontario to protect their water.

**The Acting Speaker:** The member for Haldimand–Norfolk–Brant has two minutes to reply.

**Mr. Barrett:** Thank you to the member for Trinity–Spadina. He indicates that we shouldn't scrap this bill. Maybe he's right. Maybe what's wrong is that we haven't done the research as legislators. There is so much



material contained in those submissions during a mere five days of deputations. To my mind, research is essentially searching and searching again. I think there should be further analysis of what—I don't know whether you were at any of the hearings, Minister, but I was. In fact, I don't think I saw you at any of the hearings. It's regrettable. There's so much good material there.

The member opposite makes mention of science. Take a look at what was said. Do the research. Search again. Pull out that valuable material. The presentations were only 15 minutes in length—actually 10 minutes plus questions. I regret they were held during the summer. That silenced a lot of people who would have had to come in from the fields, literally, to testify in August. That's certainly not my approach to citizen participation.

We know there were 240 amendments. Does that not suggest we take another look at this particular piece of legislation? As the member from Durham indicated, the hearings were tragic. I offer my kudos to those presenters. The deck was essentially stacked against them. I will say that the Liberal members who did attend those hearings got an earful. I know the member for Perth—Middlesex got quite an earful from the people at the witness table.

So just to recap, we heard from real people living in the real world, people who are farming, running small municipalities, people who felt their views were not reflected in this proposed legislation.

**Mr. Levac:** On a point of order, Mr. Speaker: Earlier in the evening, I believe I was admonished for some of my heckling. I wish to apologize to you and to the House for that if it caused a disruption in the House. I also understand that what I said may have been out of order, so I withdraw the comments.

**The Acting Speaker:** Thank you very much for that. Further debate?

**Ms. MacLeod:** It is a pleasure to be speaking here tonight. I know I only have about five minutes of my 10, but I'm very thankful for it. The Liberals place such a low importance in priority on this bill that we lost quorum for a bit tonight. I suspect that after tonight they're probably going to force closure on this bill, because they really don't care if this bill hurts the people of Nepean—Carleton, the people of rural Ottawa or the people of rural Ontario. I'm happy to speak to this bill nonetheless, because the clean water bill is a very important piece of legislation for us all; it's a very noble goal.

But this piece of legislation should actually be sent back to the people. It should be sent back to the people immediately. The very first time I spoke about this bill, right after I was elected—

*Interjection.*

**Ms. MacLeod:** Just learning from the best, Madam.

The very first time I spoke about Bill 43, the Clean Water Act, was shortly after I was elected last March. I spoke in this Legislature about the need for consultation. I was very thankful that two of my colleagues, Toby Barrett and Laurie Scott, were very vocal in trying to make sure that we had public consultation.

*Interjections.*

**The Acting Speaker:** I would ask all members of the House to come to order so that the member for Nepean—Carleton can continue her remarks.

The member for Nepean—Carleton.

**Ms. MacLeod:** Mr. Speaker, thank you very much. I also just want to compliment our critic, Laurie Scott, who has done a tremendous job on this piece of legislation. I believe, if it were not for Laurie Scott and my colleague Toby Barrett, there would not have been public consultation on this piece of legislation. They did it throughout Ontario this past summer. But only once the public consultation took place did those on the other side realize that this bill was fundamentally flawed and needed numerous amendments. If you can believe it, over 200 amendments were brought forward by all parties to rewrite this 35-page bill; 200 amendments for a 35-page bill is unbelievable.

It's fundamentally flawed, and the public told this government that it needed to go back to the drawing board. So it did, and they really rewrote the entire piece of legislation. In fact, the public lined up to tell them that, but the public has not seen this piece of legislation.

**Mr. Robert W. Runciman (Leeds—Grenville):** It's a reflection on their competence.

**Ms. MacLeod:** Exactly. It is a reflection of their competence. They've reached that glass ceiling.

So let's go through some of the quotes from the key stakeholders across Ontario during the 11th-hour consultations.

*Interjections.*

**Ms. MacLeod:** See, there we go with the lack of respect for the taxpayer, for the rural Ontarian, for the landowner, for the farmer, because the fact of matter is, whenever somebody does not agree with them, they have to heckle them.

*Interjections.*

**Ms. MacLeod:** Listen, you can hear them going right now on the other side.

**Interjection:** At least they're here now.

**Ms. MacLeod:** Yes, at least they're here right now, because as we noticed about five minutes ago, they were running for the hills trying to get out of here, because they're ashamed of this piece of legislation.

*Interjections.*

**The Acting Speaker:** I would ask the House to come to order so as to allow the member for Nepean—Carleton to continue her comments.

Member for Nepean—Carleton, please continue.

**Ms. MacLeod:** I can't believe they're continuing to do this.

Let's talk about Kevin Durkin, president of the Hastings Federation of Agriculture. I believe his MPP is a Liberal. He says, "Until farmers see the act, however, they worry about the new costs they might be saddled with. Anything that costs anything is a huge concern."

Here's another one from Hastings. It's farmer David McNeven: At \$50,000 per day, "Rural Ontario might as well throw in the towel right now." I wonder how the



Minister of Agriculture feels about this, when we start to hear things from farmers across the province.

We've got Gary Otten, who's the president of the Peterborough County Landowners Association. My good friend Mr. Leal represents this individual. He says this is "legislative land fraud." This is unbelievable. I can't believe it.

The Liberals here, this Liberal government, have decided to put forward a bill that they're probably going

to invoke closure on, which they couldn't keep quorum on tonight, and they're going to just force it through without proper public consultation. We're very upset on this side. We're very upset.

**The Acting Speaker:** It being 9:30 of the clock, this House stands adjourned until tomorrow at 1:30 p.m.

*The House adjourned at 2130.*

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